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Washington, Wednesday, March 3, 1937

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

ESTABLISHING SACRAMENTO MIGRATORY WATERFOWL REFUGE

California

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, consisting of 10,775.61 acres, more or less, acquired by the United States in Glenn and Colusa Counties, California, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 3 W.,
- secs. 1 and 2;
- sec. 3, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad, excepting therefrom a tract of land 100 feet in width and 700 feet in length lying east of the said railroad right-of-way boundary and approximately 385 feet north of the south boundary of sec. 3;
- sec. 10, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- secs. 11 to 14, inclusive;
- sec. 15, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad, excepting therefrom that part of SW¼SW¼SW¼ lying east of said railroad;
- sec. 22, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- secs. 23 to 26, inclusive;
- sec. 27, that part lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- sec. 34, that part of the N½ lying east of the easterly right-of-way boundary of the Southern Pacific Railroad;
- sec. 35, all;
- sec. 36, N½.

This refuge shall be known as the Sacramento Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 27, 1937.

[No. 7562]

[F. R. Doc. 37–607; Filed, March 1, 1937; 2:25 p. m.]

EXECUTIVE ORDER

ESTABLISHING SWAN LAKE MIGRATORY WATERFOWL REFUGE

Missouri

By virtue of and pursuant to authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, consisting of 11,500 acres, more or less, acquired or to be acquired by the United States, in Chariton County, Missouri, be, and they are hereby, reserved and set apart for the use of the Department of Agriculture, subject to valid existing rights, as a refuge and breeding ground for migratory birds and other wildlife: *Provided,* That any private lands within the area described shall become a part of the refuge hereby established upon the acquisition of title thereto or lease thereof by the United States:

FIFTH PRINCIPAL MERIDIAN

T. 55 N., R. 20 W.,
- sec. 3, N½NE¼, SW¼NE¼, W½, and W½W½SE¼;
- secs. 4 to 7, inclusive;
- sec. 8, N½ and N½SW¼;
- sec. 9, W½NW¼;
- sec. 18, N½ and SW¼;
- sec. 19, N½N½NW¼.

T. 56 N., R. 20 W.,
- sec. 27, W½NW¼ and NW¼SW¼;
- sec. 28, NE¼, E½NW¼, and S½;
- sec. 29, SW¼, NW¼SE¼, and S½SE¼;
- sec. 31, S½NE¼NE¼, S½NE¼, S½NW¼, and S½;
- secs. 32 and 33;
- sec. 34, W½.

T. 55 N., R. 21 W.,
- sec. 1, all;
- sec. 2, all that part lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 11, all that part of the E½ lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 12, all, excepting therefrom the right-of-way of the Wabash Railroad and that part of the SW¼SW¼ lying west thereof;
- sec. 13, N½, excepting the right-of-way of the Wabash Railroad; all that part of the E½SW¼ lying east of the northeasterly boundary of the Wabash Railroad; and SE¼;
- sec. 24, N½N½NE¼.

T. 56 N., R. 21 W.,
- sec. 25, S½;
- sec. 26, E½NE¼SW¼, S½SW¼, and S½SE¼;
- sec. 27, all that part of the SE¼SE¼ lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 34, all those parts of the E½NE¼ and NE¼SE¼ lying east of the northeasterly right-of-way boundary of the Wabash Railroad;
- sec. 35, all, excepting therefrom the right-of-way of the Wabash Railroad and that part of the SW¼SW¼ lying west thereof.

This refuge shall be known as the Swan Lake Migratory Waterfowl Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 27, 1937.

[No. 7563]

[F. R. Doc. 37–606; Filed, March 1, 1937; 2:25 p. m.]

EXECUTIVE ORDER

EXTENDING THE LIMITS OF CUSTOMS PORT OF ENTRY OF SAINT PAUL, MINNESOTA

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, ch. 223, 38 Stat. 609, 623

FEDERAL REGISTER

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TABLE OF CONTENTS

(U. S. C., Title 19, sec. 2), the limits of the customs port of entry of Saint Paul, Minnesota, in Customs Collection District No. 35 (Minnesota), are hereby extended to include the territory within the limits of the cities of South Saint Paul and West Saint Paul, Minnesota, effective thirty days from the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 27, 1937.

[No. 7564]

[F. R. Doc. 37–608; Filed, March 1, 1937; 2:25 p. m.]

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

GRAZING DISTRICT NOTICE

ARIZONA

FEBRUARY 24, 1937.

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), commonly known as the Taylor Grazing Act, as amended June 26, 1936 (49 Stat. 1976), notice is hereby given that a hearing will be held by the Department of the Interior for the purpose of considering the establishment of a grazing district in Yavapai County, State of Arizona, at the following place and time and any place or time to which such hearing may be adjourned:

State	Place	Date	Hour
Arizona	Kirkland	March 13, 1937	10 a. m.

This hearing will be open to the attendance of State officials, settlers, residents, and livestock owners, who are interested in the grazing use of the public domain in said State.

CHARLES WEST,
Acting Secretary of the Interior.

[F. R. Doc. 37–609; Filed, March 2, 1937; 9:33 a. m.]

CALIFORNIA GRAZING DISTRICT NO. 1

MODIFICATION

FEBRUARY 23, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of April 8, 1935, establishing California Grazing District No. 1, is hereby modified to include within its exterior boundaries the following described lands:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 25 E., secs. 1, 2, 11, 12, 13, and 24;
T. 3 N., R. 25 E., secs. 21 to 27, 34 to 36, inclusive;
T. 1 N., R. 26 E., E½ sec. 9, secs. 10, 12 to 15, E½ sec. 16, secs. 22 to 27, S½, S½N½ sec. 33, secs. 34, 35, and 36;
T. 2 N., R. 26 E., secs. 1 to 11, 14 to 23, inclusive, unsurveyed island in approximately secs. 13 and 24;
T. 3 N., R. 26 E.;
T. 1 N., R. 27 E., secs. 11 to 25, NE¼ sec. 26, W½ secs. 30 and 31, sec. 36;
Tps. 2 and 3 N., R. 27 E.;
T. 1 N., R. 28 E., secs. 1 to 34, inclusive;
Tps. 2 and 3 N., R. 28 E.;
T. 4 N., R. 28 E., secs. 4 to 10, lots 1, 2, 3, 4, W½SW¼, SE¼SW¼ sec. 14, secs. 15 to 22, W½ sec. 23, secs. 25 to 36, inclusive;
T. 2 N., R. 29 E., secs. 4 to 8, N½, SW¼ sec. 9, W½ sec. 17, secs. 18, 19, 20, S½ sec. 21, W½, SE¼ sec. 27, secs. 28 to 34, inclusive;
T. 3 N., R. 29 E., secs. 4 to 9, 16 to 21, 28 to 33, inclusive;
T. 4 N., R. 29 E., sec. 31;
T. 1 S., R. 26 E., secs. 1 to 4, 9 to 12, inclusive;
T. 1 S., R. 28 E., N½ secs. 3, 4, 5, and 6;
T. 3 S., R. 28 E., sec. 36;
T. 3 S., R. 29 E.;
T. 4 S., R. 29 E., secs. 1 to 17, 21 to 27, and sec. 36;
T. 4 S., R. 30 E., secs. 6, 7, 18, 19, 30, and 31;
T. 5 S., R. 30 E., secs. 24, 25, and 36;
T. 6 S., R. 30 E., sec. 1, N½N½, S½S½ sec. 12, secs. 13, 24, and 25;
T. 1 S., R. 31 E., secs. 17, 20, 29, and 32;
T. 2 S., R. 31 E., lots 1, 2, 3, 4, 5, 6, 7, E½ lot 8, E½SW¼, SE¼ sec. 4, lots 3, 4, 5, 8, 9, 10, S½ sec. 5, sec. 8, NE¼, E½NW¼, SW¼NW¼, S½ sec. 9, sec. 17;
T. 5 S., R. 31 E., secs. 19, 20, W½, SE¼, SW¼NE¼ sec. 21, W½W½ sec. 27, sec. 28, E½, NW¼, E½SW¼ sec. 29, NE¼, lot 1 of NW¼, N½ lot 2 of NW¼, lots 1 and 2 of SW¼ sec. 30, W½ sec. 31, E½E½, NW¼NE¼ sec. 32, sec. 33, W½NW¼, SW¼ sec. 34;
T. 6 S., R. 31 E.;
T. 7 S., R. 31 E., secs. 1 to 5, 11 and 12;
T. 2 S., R. 32 E., W½ sec. 24;
T. 5 S., R. 32 E., S½NE¼, SE¼NW¼, E½SW¼, SE¼ sec. 12, NW¼NE¼ sec. 13, SE¼SE¼ sec. 23, W½SW¼ sec. 24, W½NW¼ sec. 25, NW¼NE¼ E½NE¼, sec. 26;

T. 6 S., R. 32 E., NE¼, lot 1 in NW¼, N½ lot 2 of NW¼, NE¼SE¼ sec. 19, N½NE¼, NW¼ sec. 21, SW¼NW¼ sec. 29, S½NE¼, NW¼ sec. 30, N½ lot 1 of NW¼, lot 2 of NW¼, N½ lot 2 of SW¼ sec. 31;
T. 7 S., R. 32 E., secs. 1 to 18, 20 to 25, and sec. 36;
T. 4 S., R. 33 E., W½ sec. 28, secs. 29 to 32, W½ sec. 33;
T. 5 S., R. 33 E., secs. 3 to 10, 15 to 23, 26 to 35, inclusive;
T. 6 S., R. 33 E., secs. 2 to 11, 14 to 23, 25 to 36, inclusive;
T. 7 S., R. 33 E.;
T. 8 S., R. 33 E., secs. 1 to 6, E½ sec. 7, secs. 8 to 17, 20 to 28, N½ sec. 29, N½, SE¼ sec. 33, secs. 34, 35, and 36;
T. 9 S., R. 33 E., sec. 1, lots 1, 2, 3, 4, 6, 7, 8, 9, 14, 15, SE¼ sec. 2, secs. 11 to 14, 24, 25, and 36;
T. 10 S., R. 33 E., secs. 1, 12, 13, 24, 25, and 36;
T. 11 S., R. 33 E., sec. 1;
T. 7 S., R. 34 E., W½ sec. 7, secs. 18, 19, 30, 31, and 32;
T. 8 S., R. 34 E., secs. 5 to 8, 17 to 20, 26 to 35, inclusive;
Tps. 9 and 10 S., R. 34 E.;
T. 11 S., R. 34 E., secs. 1 to 6, 8 to 17, 20 to 29, N½ sec. 32, secs. 33 to 36, inclusive;
T. 12 S., R. 34 E., secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36, inclusive;
T. 13 S., R. 34 E., sec. 1, E½ secs. 2 and 11, secs. 12, 13, 14, 23 to 26, 35 and 36;
T. 14 S., R. 34 E., secs. 1, 2, 11 to 14, 23, 24, 25, E½ sec. 26, sec. 36;
T. 10 S., R. 35 E., W½ sec. 19, secs. 30 and 31;
T. 11 S., R. 35 E., secs. 6, 7, 18, 19, 30, and 31;
T. 12 S., R. 35 E., secs. 5 to 8, SW¼ sec. 16, secs. 17 to 21, 28 to 34, inclusive;
Tps. 13 and 14 S., R. 35 E.;
T. 15 S., R. 35 E., secs. 1 to 28, N½ sec. 29, secs. 33 to 36;
T. 16 S., R. 35 E., secs. 1 to 4, NE¼ sec. 9, sec. 10, N½, N½NE¼SW¼, N½NW¼SW¼, SW¼NW¼SW¼, W½SW¼-SW¼, SE¼SE¼SW¼, E½SE¼, E½NW¼SE¼, SW¼SE¼ sec. 11, secs. 12, 13, 14, NE¼ sec. 23, N½, SE¼ sec. 24;
T. 13 S., R. 36 E., secs. 5 to 8, 17 to 21, 28 to 36, inclusive;
Tps. 14 and 15 S., R. 36 E.;
T. 16 S., R. 36 E., secs. 1 to 24, 26 to 30, NE¼ sec. 31, secs. 32 to 36;
Tps. 14, 15, and 16 S., R. 37 E.

The major part of the above-described land was withdrawn by the Act of March 4, 1931 (46 Stat. 1530), for the purpose of protecting the watersheds supplying water to the city of Los Angeles and other cities and towns in the State of California. Such lands may be disposed of and rights therein may be granted only in the manner authorized by section 2 of said Act. The recreational use of the lands, provided for by said section, will be governed by the instructions contained in General Land Office Circular No. 1247 and such regulations as may hereafter be prescribed.

CHARLES WEST,
Acting Secretary of the Interior.

[F. R. Doc. 37–610; Filed, March 2, 1937; 9:33 a. m.]

Office of Indian Affairs.

CROW INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1937.

In compliance with the provisions of an Act of August 1, 1914 (38 Stat. 582–83), the operation and maintenance charges for irrigable lands under the Crow Irrigation Project for the calendar year 1937 and subsequent years until further notice, are fixed as follows:

Under Government operated units, excepting Coburn Ditch, per acre	$0.95
Under Two Leggins Unit, per acre	0.95
Under Bozeman Trail Unit, per acre	0.40

The charges as herein fixed shall become due April 1st, and are payable on or before that date. To all charges assessed against owners of patent in fee or white-owned lands not paid on July 1, following, there shall be added a penalty of ½ of 1 percent per month, or fraction thereof, from the due date, April 1, so long as the delinquency continues. No water shall be delivered to patent in fee or white-owned lands until such charges shall have been paid, or to trust patent lands until the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian farming such land has paid or will pay or that such Indian is financially unable to pay the charge, or in the case of such Indian trust lands as are leased, until the terms of the lease relative to the payment of water charges shall have been complied with.

This supersedes order of March 14, 1936.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 37–611; Filed, March 2, 1937; 9:33 a. m.]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1937.

Pursuant to authority of law contained in existing legislation relative to the Flathead Irrigation Project, Montana, it is hereby ordered that the operation and maintenance assessment rates due April 1, 1937, for the calendar year 1937 and for subsequent years until further notice, for the various subdivisions of the Flathead Irrigation Project, Montana, that are not included in Irrigation Districts that have executed a suitable repayment contract with the United States, be fixed as follows:

Charges Applicable to All Irrigable Lands in the Flathead Irrigation Project but Which Are Not Included in the Irrigation District Organizations

JOCKO DIVISION

Charges for Service.—A minimum charge of Seventy Cents (70¢) per acre will be made against all lands within the Jocko Division to which water can be delivered, whether water is used or not, this minimum charge to be credited to the account of water delivered at the following acre foot rates:

(a) For lands receiving water from the lower Jocko and Revais Creek Laterals, water will be delivered in amounts equal to one acre foot per acre for the entire irrigable area of the farm unit, allotment, or tract, at the rate of one dollar ($1) per acre foot, and additional water will be delivered at the rate of fifty cents (50¢) per acre foot.

(b) For lands receiving water from Finley, East Finley, Agency, and Big Knife Creeks, water will be delivered at the rate of seventy-five cents (75¢) per acre foot at any time during the irrigation season.

(c) And for lands receiving water from Jocko River through the Jocko K Lateral system, at the rate of fifty cents (50¢) per acre foot at any time during the irrigation season.

MISSION VALLEY AND CAMAS DIVISIONS

Charges for Service.—A charge of eighty cents (80¢) per acre shall be levied against all the irrigable area to which water can be delivered, whether water is used or not, and there shall be no further charge for water delivered up to one and one-half acre feet of water per irrigable acre of land included in any farm unit, allotment, or tract of land which has been assessed for operation and maintenance for that season, provided, that for all water delivered to any farm unit, allotment, or tract, in excess of the above amounts there shall be assessed a charge of seventy-five cents (75¢) per acre foot in addition to the minimum charge of eighty cents (80¢) per acre already levied.

GENERAL

For all areas covered by private water rights where the water is regulated by the Flathead Irrigation Project and delivered through the Flathead Irrigation Project systems, a charge of fifty cents (50¢) per acre shall be made for water delivered up to two (2) acre feet per acre, or to such quantity of water as was allowed under the private water right findings for each acre carrying a recognized private water right under the Secretary's private water right findings, and for any additional water furnished to private water right lands, whether through the project irrigation system or otherwise, a charge of one dollar ($1) per acre foot shall be made.

If at any time during the irrigation season when it shall appear, in the judgment of the Project Engineer, that there

shall not be sufficient water available to deliver the amount specified under the minimum charge in this regulation to the entire irrigable area for which application for delivery of water has been made and approved, then the Project Engineer shall be authorized to reduce such amounts to the extent that there shall, in his judgment, be sufficient water available to make proportionate delivery to each farm unit, allotment, or tract, and when any farm unit, allotment, or tract shall have had delivered to it the amount so fixed, it shall not be entitled to further delivery of water except when it shall appear that there is a surplus of water available, provided that, for those tracts located in the Mission Valley and Camas Divisions of the Flathead Irrigation Project *only*, after an agreement has been reached between a landowner and the Project Engineer as to duty of water on individual tracts where the landowner claims excess requirements on account of porous or gravelly soils, the Project Engineer shall have authority, pending further orders, to increase the quantity of water to be delivered under the minimum charge levy to such porous or gravelly tract, provided it shall not exceed four (4) acre feet of water per acre per season for the accessible irrigable area of the tract.

In the case of lands belonging to the State of Montana, where water service is requested by lessees, delivery will be made upon payment in advance by the lessee of the same minimum charge and at the same rates, and under the same regulations, as are in force for other lands in the same general area that are not included in the Irrigation Districts.

The maximum charge for water delivered to any farm unit or allotment shall not exceed an amount equal to Two Dollars ($2) per acre for the entire irrigable area of the farm unit or allotment, and no charge for water delivered shall be less than Five Dollars ($5) for the season.

To all charges assessed against owners of patent in fee or white-owned lands not paid on July 1st following, there shall be added a penalty of one-half of one per cent (½ of 1 per cent) per month, or fraction thereof, from the due date, April 1st, so long as the delinquency continues. No water shall be delivered to patent in fee or white-owned lands until such charges shall have been paid, or to trust patent lands until the Superintendent of the reservation shall have issued a statement to the Project Engineer certifying that the Indian farming such land has paid or will pay or that such Indian is financially unable to pay the charge, or in the case of such Indian trust lands as are leased, until the terms of the lease relative to the payment of water charges shall have been complied with.

This supersedes order of March 14, 1936.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 37–612; Filed, March 2, 1937; 9: 34 a. m.]

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

FEBRUARY 19, 1937.

In compliance with the provisions of the Act of March 1, 1907 (34 Stat. 1015), the charges on behalf of the cost of operation and maintenance of the Fort Hall Irrigation Project, Idaho, chargeable against all non-Indian owned land and all Indian land leased for a term longer than three years, lying under this project, are hereby fixed for the calendar year 1937, and for subsequent years until further notice, as follows:

Minimum charge for each tract in noncontiguous ownership of less than 1.5 acres	$3.00
1.5 acres up to and including 4.99 acres, per acre	2.00
5 acres up to and including 9.99 acres, per acre	1.75
10 acres up to and including 14.99 acres, per acre	1.50
15 acres or more, per acre	1.00
For contiguous small tracts in separate ownership within a farm unit aggregating not less than 15 acres when an agent satisfactory to the project engineer is appointed for the purpose of collecting and paying in a single amount the annual irrigation charges for all owners and representing them in delivery of water	1.00

Time of Payment.—The charges herein fixed shall become due on April 1st of the year for which the assessment is made and are payable before or on that date. To all charges against land in non-Indian ownership not paid by July 1 following the due date, there shall be added a penalty of ½ of 1 per cent per month, or fraction thereof, beginning from the due date and continuing until payment in full has been made.

Conditions of Payment.—No water will be delivered to:

1. Land in non-Indian ownership until at least 50 per cent of the assessment for the season has been paid in advance and water deliveries will not be continued after July 1 of that season until all unpaid annual charges against such lands have been paid in full.

2. (a) Lands in Indian ownership leased for a term longer than three years, with no provision in the lease contract governing payment of operation and maintenance charges, until at least 50 per cent of the assessment for the season has been paid in advance and water deliveries will not be continued after July 1 of that season until all unpaid annual charges against such lands have been paid in full.

(b) Lands in Indian ownership under lease for a term longer than three years, with provision in the lease contract for payment of operation and maintenance charges, until the terms of the contract have been complied with by the lessee in payment of such charges.

This supersedes order of February 28, 1934.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 37–613; Filed, March 2, 1937; 9:34 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A–38–1 O–38–1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF CAULIFLOWER GROWN IN STATE OF OREGON

Whereas, the Secretary of Agriculture, by notice dated October 30, 1936,[1] caused a public hearing to be held in Portland, Oregon, on November 9, 1936, upon a proposed marketing agreement and a proposed order regulating the handling of cauliflower grown in the State of Oregon; and

Whereas, it now appears that, with respect to spring cauliflower grown in the State of Oregon, certain compilations of statistical data covering production, prices, shipments and other economic data relating thereto, and the index of prices paid by farmers for commodities bought during the period August 1919–July 1936, were not incorporated in, and made a part of, the record of such hearing; and

Whereas, it is determined that the said hearing be reopened for the purpose of introducing such data into the record of the said hearing and permitting all interested parties to examine the same and to submit evidence with respect to the subject matter of such data; and

Whereas, by reason of an emergency which exists with respect to the handling of cauliflower grown in the State of Oregon, it is determined that the period of notice of reopening of the said hearing, as hereinafter given, is reasonable under the circumstances;

Now, therefore, pursuant to the Agricultural Adjustment Act, as amended, and applicable regulations issued thereunder, notice is hereby given that the said hearing will be reopened and held in the office of the Agricultural Adjustment Administration, Room 901, Lewis Building, Portland, Oregon, on March 8, 1937, at 10:00 a. m., and that copies of the said compilation of statistical data may be obtained from either the said office or the office of the Hearing Clerk, Room 4725,

[1] 1 F. R. 1977.

South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] M. L. WILSON,
Secretary of Agriculture.

Dated, March 2, 1937.

[F. R. Doc. 37-621; Filed, March 2, 1937; 1:01 p. m.]

NCR—B-101, as amended

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of Section 7 (a) of said Act for 1937, in accordance with the following provisions of this North Central Region Bulletin No. 101,[1] as amended, and such modifications thereof and such other provisions as may hereafter be made.

This program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this program is contingent upon whatever appropriation the Congress of the United States may hereafter make for such purpose. The amount of any payment under this Program will be finally determined by such appropriation and the extent of participation in such Program. The rates of payment and the soil-building allowances set forth herein are computed upon the basis of an appropriation of $500,000,000.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the North Central Region, the following terms shall have the following meanings:

Secretary means the Secretary of Agriculture of the United States.

North central region means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

North central division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the North Central Region.

Area "A" means the area included in the following counties of the following States:

Illinois.—All counties.

Indiana.—Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Johnson, Knox, Kosciusko, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Noble, Parke, Porter, Pulaski, Putnam, Randolph, Rush, Shelby, Starke, Sullivan, Tippecanoe, Tipton, Union, Vigo, Vermillion, Wabash, Warren, Wayne, Wells, White, and Whitley.

Iowa.—All counties.

Minnesota.—Blue Earth, Brown, Chippewa, Cottonwood, Dodge, Faribault, Fillmore, Freeborn, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, Martin, McLeod, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Sibley, Steele, Swift, Waseca, Watonwan, Yellow Medicine.

Missouri.—Adair, Andrew, Atchison, Audrain, Boone, Buchanan, Caldwell, Calloway, Carroll, Chariton, Clark, Clay, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Howard, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Nodaway, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, Saline, Schuyler, Scotland, Shelby, Sullivan, Warren, Worth.

Nebraska.—Antelope, Boone, Burt, Butler, Cass, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Gage, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Sarpy, Saunders, Seward, Stanton, Thurston, Washington, Wayne, York.

Ohio.—Allen, Auglaize, Butler, Champaign, Clark, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Greene, Hancock, Hardin, Henry, Highland, Logan, Madison, Marion, Mercer, Miami, Montgomery, Paulding, Pickaway, Preble, Putnam, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Williams, Wood, Wyandott.

South Dakota.—Bon Homme, Brookings, Clay, Hutchinson, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Union, Yankton.

Wisconsin.—Columbia, Dane, Grant, Green, Iowa, Lafayette, Rock, Walworth.

Area "B" means the area included in the following counties of Missouri: Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard.

Area "C" means the area included in the following counties of Missouri: Howell, Oregon, Ozark, and Taney.

State committee or State agricultural conservation committee means the group of persons designated for a State to assist in the administration of the 1937 Agricultural Conservation Program in such State.

County agricultural conservation association or county association means the association in the county organized to assist in the administration of the 1937 Agricultural Conservation Program in such county. The boundaries of a county shall determine the boundaries of the association for such county provided, however, that upon approval in advance by the State committee and the Director of the North Central Division, a county may have two associations or two or more counties may have one association.

County agricultural conservation committee or county committee means the group of persons designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Share-rented farm means a farm that is rented for a share of the crops produced thereon, or the proceeds thereof.

Person means an individual, firm, partnership, association, corporation, estate, or trust. The term person shall also include, wherever applicable, a State, a political subdivision of a State, or any agency thereof, and any governmental agency that may be designated by the Secretary.

Operator means a person who as owner or share-tenant is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof.

Share-tenant means a person other than an owner or sharecropper who is operating a share-rented farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share-tenant sublets a share-rented farm to another person and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share-tenants.

Sharecropper means a person who works a farm in whole or in part under general supervision of the operator and is entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with workstock, farm machinery, and labor substantially separate from that of any other land.

Diversion farm means (1) any farm in a county operated by a person who operates a farm or farms in such county with respect to which farm or farms the sum of the general soil-depleting bases established therefor is 20 acres or more, and (2) any farm for which a cotton or tobacco soil-depleting base is established.

Nondiversion farm means any farm which is not a diversion farm.

Dryland farm means (1) any farm not in Area "A" in Nebraska or South Dakota unless such farm is designated before May 1, 1937, by the county committee as not being a

[1] 2 F. R. 291.

dryland farm, and (2) any farm in Area "A" in Nebraska or South Dakota designated before May 1, 1937, by the county committee as being a dryland farm.

Cotton farm means any farm in Area "B" or in Area "C" which has a cotton soil-depleting base, or on which cotton is grown in 1937.

Sharecropper farm means any farm operated with the aid of sharecroppers in 1937, which farm is not a cotton farm.

Orchards means the entire acreage (not abandoned) in tree fruits, nut trees, vineyards, bush fruits (including cranberries), and nursery stock on the farm on January 1, 1937, even though such acreage is interplanted with other crops.

Cropland means (1) all tillable farm land from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, except farm land in a dryland farm with a productivity less than 50 percent of the productivity for the county; and (2) any other acreage devoted on January 1, 1937, to orchards.

Noncrop plowable pasture means any noncrop pasture land other than range land and other than land owned or controlled by the United States Government, or an agency thereof, which could be brought under cultivation without clearing, draining, or irrigating. The term "noncrop plowable pasture" shall include any noncrop land used for the production of wild hay.

Animal unit means the unit of measurement used to denote the grazing capacity of noncrop plowable pasture. An animal unit as used herein shall be equal to either one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

Commercial orchards means the entire acreage (not abandoned) in tree fruits, cultivated nut trees, vineyards, and bush fruits (including cranberries), on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young nonbearing orchards on the farm on January 1, 1937, from which the principal part of the production will be sold.

Commercial vegetables means the acreage of vegetables and truck crops (including Irish potatoes, sweet potatoes, tomatoes, sweet corn, melons, cantaloupes, strawberries, and commercial bulbs and flowers, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons not living on the farm in 1936.

1937 general acreage means the total acreage classified as soil-depleting on a farm in 1937, less any 1937 acreage of cotton and tobacco on such farm.

1937 sugar beet acreage means the acreage planted to sugar beets on a farm in 1937, not in excess of the general soil-depleting base for such farm.

New conserving acreage means the acreage of cropland in the farm upon which there is, on the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a crop listed in Section 2 (a) of Part III which was seeded between November 1, 1936, and October 31, 1937, inclusive, and which acreage is classified as soil-conserving in 1937. New conserving acreage also means the acreage of cropland used in accordance with subsection (b) of Section 2 of Part III.

Old conserving acreage means the acreage of cropland in the farm which was seeded prior to November 1, 1936, and upon which acreage there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means any acreage of cropland on the farm upon which there was a good stand of a crop listed in Section 2 (a) of Part III on or after July 1, 1937, which was self-seeded in the fall of 1936 and which acreage is classified as soil-conserving in 1937. Old conserving acreage also means the acreage of cropland used in accordance with Section 2 (c) of Part III.

Total conserving acreage means the sum of the new conserving acreage and the old conserving acreage.

Diversion payment means a payment for the diversion of acreage from any soil-depleting base.

Conserving payment means a payment for the increase of soil-conserving acreage.

Soil-building payment means a payment for carrying out an approved soil-building practice.

Maximum general diversion payment for a farm means the largest amount of payment which may be earned for diversion of acreage from crops in the general soil-depleting base on such farm. Such amount shall be computed by multiplying the rate per acre for diversion of acreage in the general soil-depleting base for such farm by the number of acres equal to 15 percent of such base.

Maximum tobacco diversion payment for a farm for any specified type of tobacco means the largest amount of payment which may be earned for diversion of acreage in the soil-depleting base for such farm for such type of tobacco. Such amount shall be computed in the case of a Burley or cigar-leaf tobacco soil-depleting base for such farm by multiplying the rate per acre for diversion of acreage in such base by the number of acres equal to 25 percent of such base. Such amount shall be computed in the case of a dark air-cured tobacco soil-depleting base by multiplying the rate per acre for diversion of acreage in such base by the number of acres equal to 30 percent of such base.

Maximum cotton diversion payment for a farm means the largest amount of payment which may be earned for diversion of acreage in the cotton soil-depleting base on such farm. Such amount shall be computed by multiplying the rate per acre for diversion of acreage from the cotton soil-depleting base for such farm, by the number of acres equal to 35 percent of such base, except that if such base is 5.7 acres or less, such amount shall be computed by multiplying such rate by two acres, or by such base, whichever is less.

Maximum conserving payment for a farm means the largest amount of payment which may be earned for an increase in the acreage of soil-conserving crops on such farm. Such amount shall be computed by multiplying the rate per acre for conserving payments for such farm by the acreage for which diversion payments are made with respect to such farm.

Part II—Establishment of Limits, Bases, Grazing Capacities, Productivity Indexes, and Yields

SECTION 1. *County Limits.*—The Agricultural Adjustment Administration shall establish (a) a county total limit for each county, (b) a county corn limit for each county in area "A", (c) a county cotton limit for each county in which cotton soil-depleting bases will be established, (d) a county tobacco limit for each type of tobacco for each county in which tobacco soil-depleting bases will be established for such type of tobacco, and (e) a county pasture grazing capacity limit for each county containing noncrop plowable pasture. Such county limits shall be based upon the county limits established pursuant to the 1936 Agricultural Conservation Program, the land measurements obtained pursuant to the 1936 Agricultural Conservation Program, and census reports, and in the case of the county pasture grazing capacity limit such limit shall be determined by multiplying the acreage of noncrop plowable pasture in such county by the number of animal units which an average acre of such noncrop plowable pasture will carry during the normal pasture season. The sum of the individual total soil-depleting bases, corn limits, cotton soil-depleting bases, tobacco soil-depleting bases, and grazing capacity limits for all farms in a county shall not exceed the county total limit, the county corn limit, the county cotton limit, the county tobacco limit for each type of tobacco, and the county pasture grazing capacity limit, respectively.

SECTION 2. *Total Soil-Depleting Bases.*—There shall be established for each farm a total soil-depleting base. The total soil-depleting base for any farm shall not be greater than the total acreage of cropland on such farm less the acreage in orchards. The total soil-depleting base for any farm shall be the total soil-depleting base which was or

could have been established for such farm under the 1936 Agricultural Conservation Program subject to changes in classification of land in 1937 from that in 1936 subject to such revisions and adjustments as will result in a total soil-depleting base for such farm which is comparable to the total soil-depleting bases established for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, degree of erosion, ratio of soil-depleting crops planted in 1935 and 1936 to cropland, type of farming, and farming practices.

SECTION 3. *Cotton Soil-Depleting Bases.*—There may be established as a part of the total soil-depleting base for any farm a cotton soil-depleting base. The cotton soil-depleting base for any farm shall be the cotton soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program subject to such revisions and adjustments as will result in a cotton soil-depleting base for such farm which is comparable to the cotton soil-depleting bases established for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, degree of erosion, type of farming, and farming practices.

For farms on which cotton was grown in 1936 for the first time since 1933, a cotton base may be established on the basis of the acreage planted to cotton in 1936 subject to necessary adjustments based on land measurements made in connection with the 1936 Agricultural Conservation Program and further adjustments that will result in a cotton base for the farm which is comparable with cotton bases for other farms in the same community similar with respect to size, type of soil, topography, production facilities, degree of erosion, type of farming, and farming practices.

SECTION 4. *Tobacco Soil-Depleting Bases.*—There may be established as a part of the total soil-depleting base for any farm a Burley, dark air-cured, or cigar leaf tobacco soil-depleting base. If a soil-depleting base for any specified type of tobacco is to be established for any farm, there shall first be established a preliminary soil-depleting base for such type of tobacco for such farm. A preliminary soil-depleting base for any farm for any specified type of tobacco shall be based upon the soil-depleting base established for such farm for such type of tobacco under the 1936 Agricultural Conservation Program, the acreage of such type of tobacco grown on such farm in 1935 and 1936, the acreage of such type of tobacco grown on and the soil-depleting bases established for such type of tobacco for other farms in the same community similar with respect to size, type of soil, topography, production facilities, and farming practices.

If the acreage planted to any specified type of tobacco in 1937 on any farm is less than fifty percent of the preliminary soil-depleting base established for such farm for such type of tobacco, the soil-depleting base for such farm for such type of tobacco shall be adjusted downward so that the soil-depleting base established for such farm for such type of tobacco does not exceed an acreage equal to twice the acreage of such type of tobacco grown on such farm in 1937.

For the purpose of the 1937 Agricultural Conservation Program in the North Central Region, Eastern Ohio Export tobacco shall be regarded as Burley tobacco.

SECTION 5. *General Soil-Depleting Bases.*—There may be established as a part of the total soil-depleting base for any farm a general soil-depleting base. The general soil-depleting base for any farm shall represent the acreage on such farm normally used for the production of all soil-depleting crops except cotton and tobacco. The general soil-depleting base for any farm shall be determined by subtracting the sum of any cotton and tobacco soil-depleting bases established for such farm from the total soil-depleting base established for such farm.

SECTION 6. *Soil-Conserving Bases.*—The soil-conserving base for any farm shall be determined by subtracting the total soil-depleting base plus the acreage in orchards from the total acreage of cropland in such farm.

SECTION 7. *Corn Limits.*—There shall be established for each farm in Area "A" a corn limit. The corn limit established for any diversion farm shall be based on the ratio of corn planted on such farm in 1935 and 1936 to cropland, type of soil, topography, degree of erosion, size, and productivity. The corn limit established for any diversion farm shall be comparable to the corn limit established for similar farms in the same community.

SECTION 8. *Pasture Grazing Capacities.*—There shall be established for each farm containing noncrop plowable pasture land a pasture grazing capacity for such farm expressed in terms of animal units. Such grazing capacity for any farm shall represent the total number of animal units which the noncrop plowable pasture in such farm will carry during the normal pasture season. Such grazing capacity for any farm shall be determined by first establishing the pasture grazing capacity for an average acre of noncrop plowable pasture land in such farm by making such deviation from the pasture grazing capacity established by the Agricultural Adjustment Administration for an average acre of noncrop plowable pasture land in the county as is justified by the composition, palatability, density of vegetative growth, and topographic features of the noncrop plowable pasture land in such farm. The pasture grazing capacity so determined for an average acre of noncrop plowable pasture land in such farm shall be multiplied by the acreage of noncrop plowable pasture land in such farm. The result so obtained shall be the pasture grazing capacity of such farm.

SECTION 9. *Rates of Payment, Productivity Indexes, and Yields.*—(a) *County Rates of General Diversion and Conserving Payments.*—There shall be established by the Agricultural Adjustment Administration for each county a county rate of payment per acre for diversion from the general soil-depleting base. Such county rates of payment will be an average of $6.00 for the United States and will vary among counties as the productivity of the cropland in the county devoted to the production of corn, wheat, oats, barley, rye, buckwheat, grain sorghums, soybeans, dry edible beans, sorghum for syrup, broom corn, potatoes, and sweet potatoes varies as compared to the productivity of the cropland in the United States devoted to the production of such crops. In counties in Area "A" the rate thus determined shall be increased 5 percent. The county rate of payment per acre for conserving payments shall be fifty percent of the county rate of payment per acre for diversion from the general soil-depleting base.

(b) *Productivity Indexes.*—There shall be established a general productivity index for each farm. Such productivity index shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared to the normal yield per acre for such crop for the county. Where the yield of the major soil-depleting crop for any farm in the county does not accurately reflect the productivity of such farm, the yield of such other crop as does accurately reflect the productivity of such farm may be used, provided that the productivity index for such farm shall, if necessary, be adjusted so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils and productive capacity.

(c) *Tobacco Yield.*—There shall be established for each county where soil-depleting bases will be established for any specified type of tobacco a county check yield expressed in pounds per acre for each such type of tobacco. Such county check yield for any specified type of tobacco shall be the check yield which was established under the 1936 Agricultural Conservation Program. There shall be established for each farm for which a soil-depleting base will be established for any specified type of tobacco a tobacco yield expressed in pounds per acre, such yield to be the normal annual tobacco yield per acre for such farm for such type of tobacco. For each type of tobacco the sum of the products obtained by multiplying each tobacco soil-depleting base by the tobacco yield for such farm shall not exceed the product

obtained by multiplying the sum of all such tobacco soil-depleting bases in the county by the county tobacco check yield.

(d) *Cotton Yield.*—There shall be established for each county where cotton soil-depleting bases will be established, a county cotton check yield expressed in pounds per acre. Such county cotton check yield shall be the check yield which was established under the 1936 Agricultural Conservation Program. There shall be established for each farm upon which a cotton soil-depleting base will be established, a cotton yield expressed in pounds per acre, such yield to be the normal annual cotton yield per acre for such farm. The sum of the products obtained by multiplying each cotton soil-depleting base by the cotton yield for such farm shall not exceed the product obtained by multiplying the sum of all the cotton soil-depleting bases for the county by the county cotton check yield.

(e) *Sugar Beet Yield.*—There shall be established for each farm upon which sugar beets are planted in 1937, a sugar beet yield. Such sugar beet yield shall be expressed in short tons per acre and shall be the yield which was or could have been established under the 1936 Agricultural Conservation Program, subject to such adjustments as will make the sugar beet yield for such farm comparable with the sugar beet yields for other farms in the county which are similar with respect to type of soil and productive capacity. If no sugar beets were planted on the farm during the seven years 1930 to 1936, inclusive, but are planted on such farm in 1937, the sugar beet yield for such farm shall be the average annual yield for the years 1930 to 1933, inclusive, of the factory district in which is located the factory to which the sugar beets from such farm will be delivered in 1937.

SECTION 10. *Appeals.*—Any person who has reason to believe that any base or limit established for such person's farm is not equitable, may request the county committee to reconsider its recommendations. If no agreement is reached between such person and such committee, an appeal may be taken to the State Committee in accordance with the instructions issued by the Director of the North Central Division.

Part III—Classification of Farmland

The use of farmland in 1937 shall be classified as either soil-depleting, soil-conserving, or neutral, as set forth in this Part III. In order for any cropland, other than an entire field, to be classified as either soil-conserving or neutral, such cropland, except cropland strip-cropped or strip-fallowed, must be in a solid block contiguous to the entire side or end of a field and the line between the cropland classified as neutral or soil-conserving and the remaining portion of the field must be straight. Except as otherwise provided, if any acreage on the farm is used for the production of interplanted crops, the actual acreage of each interplanted crop shall be classified as set forth in this Part III. The entire acreage first devoted to an orchard after January 1, 1937, shall be classified as though such orchard had not been planted. Any acreage upon which unadapted seed or mixtures containing any unadapted seed is planted in 1937 shall be classified as if such unadapted seed or such mixtures were not planted.

SECTION. 1. *Soil-Depleting.*—Farmland devoted to the crops and uses specified in this Section 1, or such other similar crops and uses as are designated by the Director of the North Central Division, shall be classified as soil-depleting:

(a) Land planted in 1937 to the following crops:

(1) Corn (field, sweet, and popcorn).
(2) Grain sorghums and sweet sorghums.
(3) Cotton.
(4) Tobacco.
(5) Sugar beets.
(6) Rice.
(7) Field beans and field peas.
(8) Canning peas.
(9) Hemp.
(10) Broomcorn.
(11) Mint.
(12) Mangels and cowbeets.
(13) Cultivated sunflowers.
(14) Truck and vegetable crops.
(15) Potatoes and sweet potatoes.
(16) Melons and strawberries.
(17) Bulbs and flowers.
(18) Asparagus and artichokes.

(b) Land used in 1937 for the production of the following crops:

(1) Wheat, oats, barley, rye, flax, buckwheat, emmer, speltz, and mixtures of any of such crops, harvested for grain in 1937.
(2) Millet and Sudan grass for seed.
(3) Soybeans and cowpeas for grain or seed except in Area "B".
(4) Rape for seed.
(5) Strawberries.
(6) Bulbs and flowers.
(7) Vetch for seed.
(8) Asparagus.

(c) The acreage by which, the sum of the idle cropland and the acreage planted to any of the following crops and used as specified herein, exceeds the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

(1) Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any such crops, not harvested for grain. This item includes any acreage thus used except—

a. Any acreage of such crops planted in the fall of 1936, not cut for grain or hay in 1937, and used in 1937 in accordance with the provisions of Section 2 of this Part III (soil-conserving) or items (1) and (3) of Section 3a of this Part III (neutral).

b. Any acreage of such crops planted in the fall of 1937 for harvest in 1938.

c. Any acreage of such of these crops as are included in and used as specified in item 5 of Section 3a of this Part III.

d. Any acreage of such crops used as a nurse crop, seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and not harvested as grain or hay.

(2) Soybeans, cowpeas, and buckwheat not harvested as grain or seed. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of Part III.) This item (2), insofar as it relates to soybeans and cowpeas, is not applicable to Area "B".
(3) Millet and Sudan grass not harvested for seed.
(4) Rape not harvested for seed.

SECTION 2. *Soil-Conserving.*—Cropland in 1937 not used as set forth in Sections 1 and 3 of this Part III and devoted to the crops and uses specified in this Section 2, or such other similar crops and uses as are designated by the Director of the North Central Division shall be classified as soil-conserving: (This Section 2 does not exclude any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay.)

(a) Cropland upon which there was a good stand on or after July 1, 1937, of any of the following crops seeded before November 1, 1936; and cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand which with the exception of the crops listed in item (4) hereof, would normally survive the winter of 1937–38, of any of the following crops seeded between November 1, 1936, and October 31, 1937, inclusive, provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain.

(1) *Perennial legumes.*—Alfalfa, kudzu, sericea, and white clover.

(2) *Perennial grasses.*—Bluegrass, Dallis, timothy, redtop, reed canary grass, orchard grass, Bermuda grass, carpet grass, bromegrass, crested wheat grass, slender wheat grass, western wheat grass, gramma grasses, buffalo grass, bluestem grasses, Koeleria, perennial ryegrass, meadow fescue.

(3) *Biennial legumes.*—Sweet, red, and mammoth clovers.

(4) Annual sweet clover, alsike clover, lespedeza, crotolaria.

(5) Mixtures of legumes listed under items 1, 3, and 4 of this subsection (a), or mixtures of such legumes and the grasses listed under item 2 of this subsection (a).

(6) Trees, other than fruit or nut trees, planted since January 1, 1934.

(b) Cropland used as follows:

(1) Incorporation into the soil as green manure by plowing or discing of a good vegetative growth of soybeans, velvet beans, cowpeas, or buckwheat seeded before July 1, 1937, and followed by a winter cover crop where the land is subject to erosion.

(c) Cropland used as follows:

(1) Planted to crimson clover, bur-clover, vetch (except vetch harvested for seed), black medica and yellow treefoil (hop clover) in the fall of 1936, provided there is a good stand of any of such crops on such acreage on or after March 1, 1937.

(2) Planted to soybeans and cowpeas in Area "B", provided there is a good stand of such crops on such acreage on or after July 1, 1937.

SECTION 3. *Neutral.*—Farm land not used as specified in Sections 1 and 2 of this Part III and devoted to the crops and uses specified in this Section 3, or such other similar crops and uses as are designated by the Director of the North Central Division, shall be classified as neutral:

(a) Farmland used in 1937 for the following purposes:

(1) Land summer fallowed on which the first tillage operation is completed by the date hereinafter specified and which land is properly cultivated thereafter in such a manner as to prevent wind erosion, water erosion, and weed growth. The first tillage operation must be completed by June 1, 1937, except (a) in Nebraska the first tillage operation must be completed by May 15, 1937, and (b) in the following counties of Ashland, Bayfield, Douglas, Iron, and Vilas in Wisconsin, in the following counties of Aitkin, Becker, Beltrami, Cass, Carlton, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Woods, Marshall, Mahnomen, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, St. Louis, Wadena, and Wilkin in Minnesota, in the following counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Kewenaw, Luce, Mackinac, Marquette, Menominee, Outonagon, and Schoolcraft in Michigan. The first tillage operation must be completed by June 15, 1937, and (c) if an old stand of a crop listed in Section 2 (a) of this Part III is plowed before July 1, 1937, the first tillage operation on such land must be completed by July 1, 1937. (This item (1) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested for grain or hay in 1937 and such acreage otherwise meets the requirements of this item (1).)

(2) The acreage in orchards.

(3) Seeded in 1937 to a crop specified in subsection (a) of Section 2 of this Part III, in accordance with good farming practices and upon which, due to uncontrollable natural causes, there is not a good stand which, with the exception of the crops listed in item (4) hereof, would survive the winter of 1937–38, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay. (This item (3) includes any acreage planted in the fall of 1936 to any of the crops listed in item (1) of Section 1 (b) of this Part III if such crop is not harvested as grain or hay in 1937 and if such acreage otherwise meets the requirements of this item (3).)

(4) Waste land, roads, lanes, lots, yards, noncrop pasture land, land reverting to permanent pasture, and noncrop woodland.

(5) Noncrop pasture land planted before June 1, 1937, to wheat, oats, barley, rye, ryegrass, emmer, speltz, Sudan grass, and small grain mixtures, and not used for grain, seed, or hay, if, because of unusual weather conditions, such land has become unfit for grazing and if written statement is obtained from the county committee designating the area of such noncrop pasture land.

(6) Land planted to rye, cane or Sudan grass on Valentine sandy loam soils in Dundy, Chase, Perkins, Hayes, Lincoln, Garden, Morrill, Sheridan, Sioux, Dawes, Scotts Bluff, Banner, Kimball, Cheyenne, Dueul, Keight, Arthur, McPherson, and Logan Counties in Nebraska, provided (1) such crops are seeded before June 15, 1937, at the normal rate of seeding for grain, (2) a good growth of such crops is obtained and not harvested for grain or hay, or pastured, and (3) the county committee after inspection has approved and designated such cropland.

(7) Land devoted to the production of ginseng.

(b) The acreage equal to the sum of the idle cropland and the acreage planted to any of the following crops and used as specified herein not in excess of the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

(1) Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any such crops, not harvested for grain. This item includes any acreage thus used except—

a. Any acreage of such crops planted in the fall of 1936, not cut for grain or hay in 1937, and used in 1937 in accordance with the provisions of Section 2 of this Part III (soil-conserving) or items (1) and (3) of Section 3 (a) of this Part III (neutral).

b. Any acreage of such crops planted in the fall of 1937 for harvest in 1938.

c. Any acreage of such of these crops as are included in and used as specified in item 5 of Section 3 (a) of this Part III.

d. Any acreage of such crops used as a nurse crop, seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and not harvested as grain or hay.

(2) Soybeans, cowpeas, and buckwheat not harvested as grain or seed. (This item (2) does not include any acreage planted to soybeans, cowpeas, and buckwheat and used as specified in item (1) of Section 2 (b) of this Part III.) This item (2), insofar as it relates to soybeans and cowpeas is not applicable to Area "B."

(3) Millet and Sudan grass not harvested for seed.

(4) Rape not harvested for seed.

Part IV—Rates and Conditions of Payment

In connection with the utilization in 1937 of farmland in the North Central Region, payments will be made in the amounts and subject to the conditions hereinafter set forth:

SECTION 1. *Rates of Diversion and Conserving Payments.*—The rates for diversion and conserving payments shall be as follows:

(a) The rate per acre for general diversion payments for a farm shall be the county rate per acre for general diversion payments multiplied by the productivity index of crops in the general soil depleting base for such farm.

(b) The rate per acre for tobacco diversion payments for a farm shall be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the normal yield per acre of the specified type of tobacco for such farm, in the case of Burley

tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

(c) The rate per acre for cotton diversion payments for a farm shall be the result obtained, less the rate for conserving payments for such farm, by multiplying the number of pounds representing the normal yield per acre of cotton for such farm by 5 cents.

(d) The rate per acre for conserving payments for a farm shall be the county rate per acre for conserving payments multiplied by the productivity index of crops in the general soil depleting base for such farm.

SECTION 2. *Share of Payments, Allowances, and Deductions.*—The share of any person in any payments, allowances, or deductions computed with respect to any farm shall be determined as follows:

(a) If the operator of a farm is the owner of such farm, and such farm is not operated with the aid of sharecroppers, such person's share of any payment, soil-building allowance, or deduction computed with respect to such farm shall be 100 percent.

(b) The share of the owner and of the operator of a share-rented farm, not a cotton or sharecropper farm, of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm, shall be such person's share of the principal soil-depleting crop, or the proceeds thereof, under the lease or operating agreement relating to such farm. The term "principal soil-depleting crop", as used herein, means the soil-depleting crop, exclusive of sugar beets, to which the greatest number of acres on the farm is devoted. For the purpose of this Section 2, all small grains, or the proceeds thereof, which are divided in the same percentage shall be considered as one soil-depleting crop. If there is no soil-depleting crop, exclusive of sugar beets, which has a larger acreage than any other soil-depleting crop on the farm, the principal soil-depleting crop shall be the soil-depleting crop on the farm which is of major importance in terms of acreage in the county in which such farm is located. If no soil-depleting crop, exclusive of sugar beets, is planted on a share-rented farm in 1937, the share of the owner and of the operator of such farm of any diversion payment, conserving payment, soil-building payment, soil-building allowance, or deduction computed with respect to such farm shall be 50 percent.

(c) The share of the owner and operator of a share-rented farm, not operated with the aid of sharecroppers, of any sugar beet payment computed with respect to such farm, shall be such person's share of the sugar beets, or the proceeds thereof, under the lease or operating agreement relating to such farm.

(d) If a person is an owner, operator, or sharecropper with respect to a cotton farm, such person's share of any diversion payment computed with respect to such farm shall be determined as follows: 37½ percent to the person who furnished the land in such farm; 12½ percent to the person who furnished the workstock and equipment; 50 percent to be divided among the persons who are parties to the lease or operating agreement relating to such farm in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any diversion payment is made, provided, however, if on such farm no crop was planted in 1937 with respect to which a diversion payment is made, such person's share of such payment shall be his share specified in an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee, and if no such agreement is approved by the county committee, such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(e) If a person is an owner, operator, or sharecropper with respect to a sharecropper farm, the share of such person in any diversion or sugar beet payment made with respect to such farm shall be the proportion in which such person is entitled to share under the lease or operating agreement relating to such farm in the crops grown on such farm in 1937, or the proceeds thereof, with respect to which any such payments are made, provided, however, if on such farm no crop was planted in 1937 with respect to which any diversion payment is made, such person's share of such payment shall be his share specified in an agreement among the persons who are parties to the lease or operating agreement relating to such farm, which agreement is approved by the county committee, and if no such agreement is approved by the county committee, such payment shall be divided equally among the persons who are parties to the lease or operating agreement relating to such farm.

(f) If a person is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, such person's share of any conserving payment computed with respect to such farm shall be the percentage that the sum of all diversion payments computed for such person is of the sum of all diversion payments computed for such farm.

(g) If a person is an owner, operator, or sharecropper with respect to a cotton or a sharecropper farm, the total soil-building payment for such person with respect to such farm shall be the sum of the share of such person in the soil-building payment for each practice computed as follows: The soil-building payment for any practice shall be made to the person, determined by the county committee, who has incurred the expense in 1937 with respect to which the soil-building payment is to be made; where two or more persons are determined by the county committee to have incurred the expense in 1937 with respect to such practice, the soil-building payment for such practice shall be divided equally between such persons.

(h) The term "person's percentage" as used in this bulletin with reference to a person who is both the owner and operator of a farm, not operated with the aid of sharecroppers, and also as used with reference to any diversion, conserving, or soil-building payment, computed for such person with respect to such farm, or any deduction or soil-building allowance computed for such person with respect to such farm, shall mean the percentage determined for such person for such farm under subsection (a) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner or operator of a share-rented farm, not a cotton or sharecropper farm, and also as used with reference to any diversion, conserving, or soil-building payment, computed for such person with respect to such farm, or any deduction or soil-building allowance computed for such person with respect to such farm, shall mean the percentage determined for such person for such farm under subsection (b) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm, and also as used with reference to a general, cotton, or specified type of tobacco diversion payment computed for such person with respect to such farm, shall mean: in the case of a cotton farm, the percentage determined for such person for such particular kind of diversion payment under subsection (d) of this Section 2, and in the case of a sharecropper farm, the percentage determined for such person for such particular kind of diversion payment under subsection (e) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a sharecropper farm, and also as used with reference to a sugar beet payment computed for such person with respect to such farm shall mean the percentage determined for such person for such payment under subsection (e) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm and also as used with reference to a conserving payment computed for such person with respect to such farm shall mean the percentage determined for such person for such payment under subsection (f) of this Section 2. The term "person's percentage" as used in this bulletin with reference to a

person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm, and also as used with reference to any deduction computed for such person with respect to such farm, shall mean the percentage that the sum of all payments computed for such person with respect to such farm is of the sum of all payments computed for such farm. The term "person's percentage" as used in this bulletin with reference to a person who is an owner, operator, or sharecropper with respect to a cotton farm or a sharecropper farm, and also as used with reference to the soil-building allowance for such farm shall mean the percentage that the total soil-building payments computed for such person with respect to such farm is of the total soil-building payments computed with respect to such farm. If there is no payment computed for a person who is an owner, operator, or sharecropper with respect to a cotton or sharecropper farm, and there is a deduction computed with respect to such farm, such person's percentage with respect to such deduction for such farm shall be such person's percentage of the principal soil-depleting crop on such farm.

Any share of payments shall be computed and paid without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against any crop, or the proceeds thereof, in favor of the owner or any creditor. If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from any previous leasing or cropping arrangement for the farm, for the purpose of, or which would have the effect of, diverting to such person any payment to which any tenants or sharecroppers would be entitled if the previous leasing or cropping arrangement were in effect for 1937, the amount of any payment which would otherwise be made to such person may be withheld in whole or in part.

SECTION 3. *Diversion and Conserving Payments if a Person is an Owner, Operator, or Sharecropper with Respect to Only One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to only one diversion farm in a county, the amount of diversion and conserving payments which shall be made to such person in such county shall, subject to the provisions of Sections 10, 15, 17, and 18 of this Part IV, be computed as follows:

(a) General diversion payments shall be computed by multiplying the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum general diversion payment for such farm.

(b) Tobacco diversion payments for a specified type of tobacco shall be computed by multiplying the acreage by which the 1937 acreage of such type of tobacco on such farm is less than the soil-depleting base for such farm for such type of tobacco by the rate per acre for diversion payments for such farm for such type of tobacco and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum diversion payment for such farm for such type of tobacco.

(c) Cotton diversion payments shall be computed by multiplying the acreage by which the 1937 cotton acreage on such farm is less than the cotton soil-depleting base for such farm by the rate per acre for cotton diversion payments for such farm and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum cotton diversion payment for such farm.

(d) Conserving payments shall be computed by multiplying the sum of (1) the old conserving acreage on such farm in excess of the soil-conserving base for such farm, and (2) the new conserving acreage on such farm, by the rate per acre for conserving payments for such farm and multiplying this result by such person's percentage, provided, such payment shall not be in excess of such person's percentage of the maximum conserving payment for such farm.

SECTION 4. *Sugar Beet Payment.*—If a person is an owner, operator, or sharecropper with respect to only one farm in a county upon which sugar beets are planted in 1937, the amount of the sugar beet payment which shall be made to such person in such county shall, subject to the provisions of Sections 10, 15, 17 and 18 of this Part IV, be computed as follows: The sugar beet acreage allotment for such farm shall be multiplied by an amount per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for such farm and this result shall be multiplied by such person's percentage, *provided:*

(a) An acreage customarily used in a rotation with sugar beets on such farm in 1937 equal to at least 40 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, or

(b) Both

(1) An acreage customarily used in a rotation with sugar beets on such farm in 1937 equal to at least 20 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, and

(2) All the 1937 sugar beet acreage on such farm is on land not devoted to sugar beets in more than two of the years 1934, 1935, and 1936:

Provided, further, if the condition under subsection (a) of this Section 4 is not met and only one of the conditions under subsection (b) of this Section 4 is met, payment will be made to such person in an amount equal to one-half the sugar beet payment which would be made to such person with respect to such farm if the condition under subsection (a) of this Section 4 was met, or if both the conditions under subsection (b) of this Section 4 were met.

If a person is an owner, operator, or sharecropper with respect to more than one farm in a county upon which farms sugar beets are planted in 1937, the total sugar beet payment to such person with respect to such farms shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17 and 18 of this Part IV, be the sum of the sugar beet payments computed for each such farm for such person as provided in this Section 4.

The acreage allotment for any farm with respect to which the sugar beet payment will be made will be the 1937 sugar beet acreage on such farm, unless the estimated acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yiqelds to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the sugar beet acreage allotment for the farm shall be that percentage of the 1937 sugar beet acreage on such farm which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the estimated total acreage of sugar beets planted for harvest in the United States in 1937.

SECTION 5. *Rice Payment.*—If a person is an owner, operator, or sharecropper with respect to a farm on which rice is grown in 1937, payment will be made to such person in an amount determined in accordance with and subject to the provisions of the bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the North Central Region, and the provisions concerning rice contained in bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the Southern Region.

SECTION 6. *Total Amount of General Diversion Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of general diversion payments to such person in such county shall, subject to the provisions of Sections 7, 8, 11, 15, 17 and 18 of this Part IV, be computed as follows:

(a) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper,

multiply the acreage by which the 1937 general acreage on such farm is less than the general soil-depleting base for such farm by the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 6.

(c) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 general acreage on such farm is in excess of the general soil-depleting base for such farm by the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 6.

(e) For each diversion farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum general diversion payment for such farm by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 6.

(g) If the amount obtained under subsection (d) of this Section 6 exceeds the amount obtained under subsection (b) of this Section 6, a deduction in the amount of such excess shall be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper.

(h) The total general diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 6 from the amount obtained under subsection (b) of this Section 6, or the amount obtained under subsection (e) of this Section 6, whichever is less.

SECTION 7. *Total Amount of Tobacco Diversion Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of diversion for a specified type of tobacco payments to such person in such county shall, subject to the provisions of Sections 6, 8, 11, 15, 17 and 18 of this Part IV, be computed as follows:

(a) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 acreage of such type of tobacco on such farm is less than the soil-depleting base for such farm for such type of tobacco by the rate per acre for diversion payments for such farm for such type of tobacco and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 7.

(c) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 acreage of such type of tobacco on such farm is in excess of the soil-depleting base for such farm for such type of tobacco by the rate per acre for diversion payments for such farm for such type of tobacco and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 7.

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum diversion payment for such farm for such type of tobacco and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 7.

(g) If the amount obtained under subsection (d) of this Section 7 exceeds the amount obtained under subsection (b) of this Section 7, a deduction in the amount of such excess shall be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper.

(h) The total diversion payments for such type of tobacco which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 7 from the amount obtained under subsection (b) of this Section 7, or the amount obtained under subsection (e) of this Section 7, whichever is less.

SECTION 8. *Total Amount of Cotton Diversion Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of cotton diversion payments to such person in such county shall, subject to the provisions of Sections 6, 7, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 cotton acreage on such farm is less than the cotton soil-depleting base for such farm by the rate per acre for cotton diversion payments for such farm and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 8.

(c) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the acreage by which the 1937 cotton acreage on such farm is in excess of the cotton soil-depleting base for such farm by the rate per acre for cotton diversion payments for such farm and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 8.

(e) For each farm in the county with respect to which such person is an owner, operator, or sharecropper, multiply the maximum cotton diversion payment for such farm and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 8.

(g) If the amount obtained under subsection (d) of this Section 8 exceeds the amount obtained under subsection (b) of this Section 8, a deduction in the amount of such excess shall be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper.

(h) The total cotton diversion payments which shall be made to such person with respect to such farms shall be the amount obtained by subtracting the amount obtained under subsection (d) of this Section 8 from the amount obtained under subsection (b) of this Section 8, or the amount obtained under subsection (e) of this Section 8, whichever is less.

SECTION 9. *Total Amount of Conserving Payments if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to more than one farm in a county, the total amount of conserving payments to such person in such county shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each diversion farm in such county, not also a dryland farm with respect to which such person is an owner, operator, or sharecropper, obtain the sum of (1) the old conserving acreage on such farm in excess of the soil-conserving base for such farm, and (2) the new conserving acreage on such farm.

(b) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total soil-depleting base for such farm exceeds the total acreage on such farm classified as soil-depleting in 1937, determine the amount of such excess.

(c) For each farm for which an acreage was obtained under subsection (b) of this Section 9, determine which one of the acreages obtained for such farm under subsections (a) and (b) of this Section 9 is the smaller and multiply the smaller by the rate per acre for conserving payments

for such farm and multiply this result by such person's percentage.

(d) Add the amounts obtained under subsection (c) of this Section 9.

(e) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total soil-depleting base for such farm is greater than the total acreage on such farm classified as soil-depleting in 1937, multiply such difference by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(f) Add the amounts obtained under subsection (e) of this Section 9.

(g) For each diversion farm in such county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, and upon which the total acreage on such farm classified as soil-depleting in 1937 is greater than the total soil-depleting base for such farm, multiply such difference by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(h) Add the amounts obtained under subsection (g) of this Section 9.

(i) Subtract the amount obtained under subsection (h) of this Section 9 from the amount obtained under subsection (f) of this Section 9.

(j) For each diversion farm in the county, not also a dryland farm, with respect to which such person is an owner, operator, or sharecropper, multiply the sum of 15 percent of the general soil-depleting base, 25 percent of the Burley tobacco soil-depleting base, 25 percent of the cigar-leaf tobacco soil-depleting base, 30 percent of the dark air-cured tobacco soil-depleting base, and 35 percent of the cotton soil-depleting base by the rate per acre for conserving payments for such farm and multiply this result by such person's percentage.

(k) Add the amounts obtained under subsection (j) of this Section 9.

(l) Whichever of the amounts obtained under subsections (d), (i), and (k) of this Section 9 is the smallest shall be the total conserving payment which shall be made to such person with respect to such farms.

SECTION 10. *Deductions if a Person is an Owner, Operator, or Sharecropper with Respect to Only One Farm in a County.*—If a person is an owner, operator, or sharecropper with respect to only one farm in a county, a deduction will be made from any payment which otherwise would be made to such person with respect to such farm under the following conditions and in the following amounts:

(a) If such farm is a diversion farm and if the 1937 general acreage on such farm exceeds the general soil-depleting base for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage.

(b) If such farm is a diversion farm and if the 1937 corn acreage on such farm exceeds the corn limit for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage.

(c) If the 1937 acreage of a specified type of tobacco on such farm exceeds the soil-depleting base for such type of tobacco for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for diversion payments for such farm for such type of tobacco and multiplying this result by such person's percentage.

(d) If the 1937 acreage of cotton on such farm exceeds the cotton soil-depleting base for such farm, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for cotton diversion payments for such farm and multiplying this result by such person's percentage.

(e) If such farm is a nondiversion farm and if the 1937 general acreage on such farm is in excess of twenty acres, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments which would be determined for such farm if it were a diversion farm and multiplying this result by such person's percentage.

(f) If such farm is a nondiversion farm in Area "A", and if the 1937 corn acreage on such farm is in excess of twenty acres, the amount of deduction for such person for such excess shall be computed by multiplying such number of excess acres by the rate per acre for general diversion payments which would be determined for such farm if it were a diversion farm and multiplying this result by such person's percentage.

If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county, upon which the 1937 general acreage is in excess of twenty acres, the deduction for such person for each such farm shall be computed as set forth under subsection (e) of this Section 10. If a person is an owner, operator, or sharecropper with respect to more than one nondiversion farm in a county in Area "A", upon which the 1937 corn acreage is in excess of twenty acres, the deduction for such person for each such farm shall be computed as set forth under subsection (f) of this Section 10.

SECTION 11. *Deduction for Excess Corn Acreage on Diversion Farms in Area "A" if a Person is an Owner, Operator, or Sharecropper With Respect to More Than One Diversion Farm in a County in Area "A".*—If a person is an owner, operator, or sharecropper with respect to more than one diversion farm in a county in Area "A", and if the result obtained by:

(a) Multiplying for each diversion farm in Area "A" with respect to which such person is an owner, operator, or sharecropper, the 1937 corn acreage on such farm by the rate per acre for general diversion payments for such farm and multiplying this result by such person's percentage;

(b) Adding the amounts obtained under subsection (a) of this Section 11;

exceeds the amount obtained by:

(c) Multiplying for each diversion farm in Area "A" with respect to which such person is an owner, operator, or sharecropper, the corn limit for such farm by the rate per acre for general diversion payments for such farm and multiplying the result by such person's percentage;

(d) Adding the amounts obtained under subsection (c) of this Section 11;

a deduction will be made from any payments which otherwise would be made to such person with respect to any farms in such county with respect to which such person is an owner, operator, or sharecropper in the amount of such excess.

SECTION 12. *Soil-Building Allowance:* The soil-building allowance for a person in a county shall be computed as follows:

(a) If such person is an owner, operator, or sharecropper with respect to only one farm in such county, which farm is a diversion farm and not also a dryland farm, the soil-building allowance for such person in such county shall be such person's percentage of the sum of the amounts obtained for such farm under items (1) to (6), inclusive, of this subsection (a), unless such sum is less than $10.00, in which event the soil-building allowance for such person in such county shall be such person's percentage of $10.00.

(1) $1.00 for each acre in the soil-conserving base established for such farm.

(2) $1.00 for each acre for which diversion payments are made with respect to such farm.

(3) $1.90 for each acre in commercial orchards on such farm.

(4) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(b) If such person is an owner, operator, or sharecropper with respect to only one farm in such county, which farm is a diversion farm and also a dryland farm, the soil-building allowance for such person in such county shall be such person's percentage of the sum of the amounts obtained for such farm under items (1) to (7), inclusive, of this subsection (b), unless such sum is less than $10.00, in which event the soil-building allowance for such person in such county shall be such person's percentage of $10.00.

(1) $1.00 for each acre classified as soil-conserving on such farm in 1937 not in excess of the soil-conserving base for such farm.

(2) Two-thirds of the rate per acre for general diversion payments for such farm for each acre for which diversion payments are made with respect to such farm.

(3) $1.90 for each acre in commercial orchards on such farm.

(4) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(7) $0.25 for each acre of noncropland plowed at least once between January 1, 1930, and December 31, 1936, provided, (1) such noncropland is part of a farm for which a soil-depleting base has been estabished and is operated by the operator of such farm; (2) both the operator and the owner have designated such acreage and have stated in writing their intention to restore such acreage to grass; (3) written approval has been obtained in advance from the county committee; (4) such land is not pastured or tilled in 1937 and no crop is harvested therefrom.

(c) If such person is an owner, operator, or sharecropper with respect to only one farm in such county, which farm is a nondiversion farm, the soil-building allowance for such person in such county shall be such person's percentage of the sum of the amounts obtained for such farm under items (1) to (5), inclusive, of this subsection (c), unless such sum is less than $20.00, in which event the soil-building allowance for such person in such county shall be such person's percentage of $20.00.

(1) $0.90 for each acre of cropland on such farm.

(2) $1.00 for each acre in commercial orchards on such farm.

(3) $1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(4) $2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(5) $0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(d) If such person is an owner, operator, or sharecropper with respect to more than one farm in a county, the soil-building allowance for such person in such county shall be the sum of the amounts obtained for such farms under items (2), (4), (6), (14), and (22) of this subsection (d), unless such sum is less than $10.00, in which event, the soil-building allowance for such person in such county shall be $10.00.

(1) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, multiply the sum of items (1), (3), (4), (5), and (6) of subsection (a) of this Section 12 by such person's percentage for such farm.

(2) Add the amounts obtained under item (1) of this subsection (d).

(3) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply the sum of items (1), (3), (4), (5), (6), and (7) of subsection (b) of this Section 12 by such person's percentage for such farm.

(4) Add the amounts obtained under item (3) of this subsection (d).

(5) For each nondiversion farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the sum of items (1) to (5), inclusive, of subsection (c) of this Section 12 by such person's percentage for such farm.

(6) Add the amounts obtained under item (5) of this subsection (d).

(7) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not also a dryland farm, and upon which farm the total soil-depleting base for such farm is greater than the total acreage on such farm classified as soil-depleting, multiply such difference by such person's percentage.

(8) Add the acreages obtained under item (7) of this subsection (d).

(9) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper and which farm is not also a dryland farm upon which the total acreage on such farm classified as soil-depleting in 1937 is greater than the total soil-depleting base for such farm, multiply such difference by such person's percentage.

(10) Add the acreages obtained under item (9) of this subsection (d).

(11) Subtract the acreages obtained under item (10) of this subsection (d) from the acreages obtained under item (8) of this subsection (d) and multiply such difference by $1.00.

(12) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is not a dryland farm, multiply the sum of 15 percent of the general soil-depleting base, 25 percent of the Burley tobacco soil-depleting base, 25 percent of the cigar-leaf tobacco soil-depleting base, 30 percent of the dark air-cured tobacco soil-depleting base, and 35 percent of the cotton soil-depleting base by $1.00 and multiply this result by such person's percentage.

(13) Add the amounts obtained under item (12) of this subsection (d).

(14) Of the amounts obtained under items (11) and (13) of this subsection (d), determine which one is the smaller.

(15) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, and upon which farm the total soil-depleting base for such farm is greater than the total acreage on such farm classified as soil-depleting in 1937, multiply such difference by two-thirds of the rate for general diversion payments for such farm and multiply this result by such person's percentage.

(16) Add the amounts obtained under item (15) of this subsection (d).

(17) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm and upon which farm the total acreage on such farm classi-

fied as soil-depleting in 1937 is greater than the total soil-depleting base for such farm, multiply such difference by two-thirds of the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(18) Add the amounts obtained under item (17) of this subsection (d).

(19) Subtract the amount obtained under item (18) of this subsection (d) from the amount obtained under item (16) of this subsection (d).

(20) For each diversion farm in such county with respect to which such person is an owner, operator, or sharecropper, and which farm is also a dryland farm, multiply 15 percent of the general soil-depleting base for such farm by two-thirds of the rate per acre for general diversion payments for such farm and multiply this result by such person's percentage.

(21) Add the amounts obtained under item (20) of this subsection (d).

(22) Of the amounts obtained under items (19) and (21) of this subsection (d), determine which one is the smaller.

SECTION 13. *Soil-Building Payments.*—Soil-building payments will be made to a person who is an owner, operator, or sharecropper with respect to a farm or farms in a county, not in excess of such person's soil-building allowance for such farm or farms, for the carrying out on such farm or farms any of the applicable soil-building practices set forth in this Section 13.

To be eligible for soil-building payments, the practices listed herein must be carried out by such methods and using such materials and with such kinds and quantities of adapted seed and trees as conform with good farming practice. No soil-building payment will be made with respect to any farm for the seeding of red clover or any mixtures containing red clover unless all seedings of red clover and any mixtures containing red clover on such farm in 1937 are made with adapted red clover seed, nor will any soil-building payment be made with respect to any farm for the seeding of alfalfa or any mixtures containing alfalfa unless all seedings of alfalfa and any mixtures containing alfalfa on such farm in 1937 are made with adapted alfalfa seed. All practices for which payment is to be made must have been completed prior to November 1, 1937. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with the conditions specified. A soil-building payment for any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in the case of the soil-building practices designated under subsection (c), (g), and (o) hereof, payment will be made at the stipulated rates on an acreage or quantity, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished, by the owner, operator, or sharecropper bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice.

Where several soil-building practices are adopted on the same acreage, payment will not be made for (1) more than one of the practices listed in subsections (k), (l), and (m) of this Section 13; (2) both a practice listed under either subsection (k), (l), and (m) of this Section 13 and a practice listed under either subsection (a) and (b) of this Section 13; and (3) more than one practice twice or any two of the thirteen soil-building practices listed in subsections (a), (b), (w), (x), (y), and (z) of this Section 13.

Except as otherwise provided, the soil-building practices listed in subsections (a) to (j), inclusive, will be applicable to all farms; the soil-building practices listed in subsections (k) to (r), inclusive, will be applicable only to dryland farms; the soil building practices listed in subsections (s) to (z), inclusive, will be applicable only to orchards, and the practices listed in subsections (v) and (w) will be applicable only to cropland used for the growing of commercial vegetables.

For dryland farms, all rates of payment in subsections (a) and (b) of this Section 13 shall be increased by $1.50 if the rate is $2.00 or more, and by $1.00 if the rate is less than $2.00, if on the date as of which final inspection of the farm is made for the purpose of determining performance, there is a good stand which, with the exception of the crops listed in item (4) of Section 2 (a) of Part III, would normally survive the winter 1937–38, of the crops to which such rates are applicable, and no crop is harvested for grain or hay on such acreage in 1937.

Soil-building practices listed in this Section 13 relating to commercial orchards are applicable only to the acreage upon which such practice is carried out.

Practices Applicable to All Farms.—(a) *Seedings of adapted legumes.*—Seedings of adapted seed of any of the following legumes on farmland:

(1) Alfalfa—$2.50 per acre.

(2) Red clover, sericea, and white clover—$2.00 per acre.

(3) Alsike clover, mammoth clover, and lespedeza—$1.50 per acre.

(4) Legume mixtures or mixtures of legumes and perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of alsike clover, mammoth clover, lespedeza, alfalfa, red clover, sericea, and white clover, or more than one of these legumes—$1.50 per acre.

(5) Biennial sweet clover, annual sweet clover, vetch, crotalaria, and crimson clover—$1.00 per acre.

(6) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of biennial sweet clover, annual sweet clover, vetch, crimson clover, alfalfa, red clover, sericea, white clover, alsike clover, mammoth clover, and lespedeza, or more than one of these legumes—$1.00 per acre.

(b) *Seedings of Adapted Perennial grasses.*—Seedings of adapted seed of any of the following grasses on farmland:

(1) Bluegrass, bromegrass, crested wheat grass, slender wheat grass, and western wheat grass—$2.00 per acre.

(2) Orchard grass and permanent pasture of grasses or grasses and legumes containing at least 50 percent of any of the grasses listed in item (1) of this subsection—$1.50 per acre.

(3) Timothy, redtop, reed canary grass, and permanent pasture mixtures of grasses or grasses and legume mixtures containing at least 50 percent of bromegrass, orchard grass, redtop, reed canary grass, timothy, bluegrass, crested wheat grass, slender wheat grass, and western wheat grass, or more than one of these grasses—$1.00 per acre.

(c) *Limestone.*—Except as otherwise provided in items (2) and (3) of this subsection (c), application on cropland or noncrop pasture land of ground limestone or its equivalent:

(1) Application of ground limestone or its equivalent—$1.25 per ton. (The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate. The following quantities of other calcareous substances are equivalent to one ton of ground limestone in the following designated States: 1400 lbs. of hydrated lime or 2 cubic yards of marl, in the entire North Central Region; 2 cubic yards of sugar beet refuse lime in Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin; 2 cubic yards of calcium carbide refuse lime in Indiana, Iowa, Michigan, and Wisconsin; 2 cubic yards of paper mill refuse lime in Michigan, Minnesota, and Wisconsin; 2 cubic yards of water softening process refuse lime in Illinois and Iowa; 2 cubic yards of commercial wood ashes in

Michigan and Wisconsin; ½ ton of commercial burnt lime and 4 cubic yards of calcareous clay in Wisconsin; one ton of burnt lime waste in Iowa and Wisconsin; 1 ton of agricultural limestone meal. 1500 lbs. of agricultural ground limestone, or 2,750 lbs. of limestone screenings, in Ohio and Wisconsin; 1400 lbs. of pulverized limestone in Ohio and Wisconsin; 3 tons of tailings from zinc mines, in Wisconsin.)

(2) A minimum of 500 lbs. per acre of finely ground limestone on cropland when drilled in with seedings of legumes—$1.00 per acre.

(3) A minimum of 1,000 lbs. per acre of finely ground limestone on noncrop pasture land—$2.00 per acre. (The finely ground limestone designated in items (2) and (3) of this subsection (c) should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent, with all finer particles obtained in the grinding process included, will pass through a 30-mesh sieve. It must contain calcium and magnesium carbonates, equivalent to not less than 80 percent of calcium carbonate.)

(d) *Phosphates.*—Application of the following minimum amounts of phosphate materials per acre on noncrop pasture or on cropland, used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which noncrop pasture or cropland in connection with such application, none of the crops listed in Section 1 (a) of Part III and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III are planted in 1937.

(1) 200 pounds of 16 percent superphosphate or its equivalent—$1.20 per acre.

(2) 300 pounds of 16 percent superphosphate or its equivalent—$1.80 per acre. The 16 percent superphosphate, designated in items (1) and (2) of this subsection (d) shall contain 16 percent by weight of available phosphoric acid. Other phosphates may be substituted for 16 percent superphosphate, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of available phosphoric acid contained in the specified quantity of 16 percent superphosphate.)

(3) 500 pounds of rock phosphate or basic slag—$1.80 per acre.

(e) *Potash.*—Application of the following minimum amounts of 50 percent muriate of potash per acre on noncrop pasture or on cropland used in 1937 for the growing of a crop specified in Section 2 of Part II and on which noncrop pasture or cropland in connection with such application, none of the crops listed in Section 1 (a) of Part III and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III are planted in 1937.

(1) 100 pounds of 50 percent muriate of potash or its equivalent—$1.00 per acre. (50 percent muriate of potash shall contain not less than 50 percent by weight of water soluble potash. Other materials containing potash may be substituted for 50 percent muriate of potash, provided, that the quantity of such substitute applied shall contain not less than the quantity by weight of water soluble potash contained in 100 pounds of 50 percent muriate of potash.)

(f) *Gypsum.*—Applicable only to Beltrami, Hubbard, Lake of the Woods, Cass, and Clearwater counties of Minnesota. Application of the following minimum amount of gypsum per acre on cropland used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which cropland in connection with such application none of the crops listed in Section 1 (a) of Part III and none of the crops listed in items (1) and (2) of Section 1 (b) of Part III are planted in 1937.

(1) 200 pounds of gypsum—$1.25 per acre.

(g) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$7.50 per acre. This subsection (g) is not applicable to dryland farms.

(h) *Improving a Stand of Forest Trees.*—Improving a stand of forest trees by cutting weed trees and thinning or pruning other trees so as to leave at least 100 potential timber trees of desirable species per acre with a minimum diameter of 6 inches each, or at least 200 potential timber trees of desirable species per acre with a minimum diameter of 2 inches, well distributed over each acre of woodland—$2.50 per acre, provided, (1) The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) such area is not grazed and is adequately protected against fire.

(i) *Terracing.*—Terracing in 1937 in accordance with good terracing practices—$0.40 per hundred feet. Provided: The county committee after inspection has approved and designated in writing the area on which such practices is to be carried out.

(j) *Restoration of Noncrop Plowable Pasture.*—Restoration by nongrazing for the entire season of noncrop plowable pasture, which requires not more than 10 acres to carry one animal unit for the entire season—$0.40 per acre, provided, (1) the county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) no hay or seed is harvested from such pasture land, (3) such pasture land is not tilled for any purpose other than to improve the stand of pasture grasses and legumes thereon, and (4) if there is extensive growth of noxious weeds on such pasture, the maturing of seed of such weeds is prevented by clipping such pasture.

Practices Applicable Only to Dryland Farms.—(k) *Protected Strip Fallow.*—$2.00 per acre in fallow, provided, (1) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (2) tillage operations are carried out in such a manner as will tend to prevent weed growth, wind erosion, and water erosion, (3) the slope on the land to be fallowed is not in excess of eight percent, (4) the land on which the slope is in excess of three percent is listed on the contour, (5) the fallow is in alternate strips with small grain crops, sorghum, Sudan grass, or millet, all close drilled or broadcast, of approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds or running on the contour, (6) the stubble is left on the strips devoted to crops in such a manner as will tend to prevent wind erosion.

(l) *Protected Summer Fallow and Basin Listing.*—$2.00 per acre in fallow, provided, (1) basin listing is practical to preserve moisture and will tend to prevent water erosion, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out in such a manner as will tend to prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed and basin listed is not in excess of eight percent, (5) land on which the slope is in excess of three percent is listed on the contour, (6) adjoining furrows, not less than 8 inches in width and not less than 4 inches in depth are constructed, maintained, and dammed at intervals of not more than twenty feet, (7) the land is seeded in the fall to a cover crop or lister ridges are left over the winter to prevent wind erosion.

(m) *Protected Summer Fallow.*—$1.50 per acre in fallow, provided, (1) block fallow is practical on the land fallowed, (2) the first tillage operation is completed before May 15, 1937, if such farm is in Nebraska, and the first tillage operation is completed before June 1, 1937, if such farm is in South Dakota, (3) tillage operations are carried out in such a manner as will tend to prevent weed growth, wind erosion, and water erosion, (4) the slope on the land to be fallowed is not in excess of eight percent, (5) the land on which the slope is in excess of three percent is listed on the contour, (6) the land is seeded in the fall to a cover crop, or lister ridges are left over the winter to prevent wind erosion.

(n) *Strip Cropping.*—Growing in 1937 of small grain crops, sorghum, Sudan grass, or millet, all close drilled or broadcast, and row crops in alternate strips, such strips to

be approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds, or running on the contour—$0.40 per acre for the acreage in the strips, provided, the stubble is left on the land in such a manner as will tend to prevent wind erosion.

(o) *Planting and Protection of Trees.*—Planting and protection of forest trees or trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$10.00 per acre.

(p) *Cultivating and Maintaining a Stand of Trees.*—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelterbelt plantings planted on cropland or noncropland between January 1, 1934, and October 31, 1936, inclusive—$4.00 per acre.

(q) *Contour Furrows on Permanent Pasture Land.*—Construction of contour furrows on permanent farm pasture land, except permanent farm pasture land that is sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre for the area contour furrowed, provided, (1) the contour furrows are constructed on the contour level, not less than 8 inches in width and 4 inches in depth and are dammed at intervals of not more than 100 feet, (2) on slopes of three percent or less the furrows are not more than 25 feet apart, on slopes of eight percent the furrows are not more than 10 feet apart, and on slopes varying from three to eight percent, the furrows are not more apart than that part of 25 feet which the percentage of the slope is of eight percent, (3) payment will not be made for contour furrows on permanent pasture land with slopes in excess of eight percent.

(r) *Restoration to Native Grass of Noncropland.*—Restoration to native grass of noncropland plowed at least once between January 1, 1930, and December 31, 1933, inclusive, which in accordance with good farming practices should be permanently devoted to grass—$0.25 per acre, provided, (1) the operator or owner has designated the acreage and has stated in writing his intention to let such acreage revert to grass, (2) written approval has been obtained from the county committee, and (3) such land is not pastured or tilled in 1937 and no crop is harvested therefrom.

Practices Applicable Only to Land in Commercial Orchards.—(s) *Incorporation of Winter Cover Crops.*—Incorporation into the soil by plowing or discing before June 30, 1937, of a good vegetative growth of winter oats, winter rye, or winter barley seeded in the fall of 1936—$1.00 per acre, provided, such crops has attained at least sixty days' growth in 1937 and is not pastured or harvested for grain or hay.

(t) *Seeding of Winter Cover Crops.*—Seeding after May 1, 1937 of rye, oats, barley, buckwheat, Sudan grass, millet, or mixtures of any of these—$1.00 per acre, provided, (1) a good vegetative growth of any of such crops is on the land on the date as of which final inspection of the farm is made for the purpose of determining performance, and (2) such crop is not pastured or otherwise taken from the land.

(u) *Seeding Soybeans and Cowpeas.*—Seeding after May 1, 1937 of soybeans or cowpeas at the normal rate—$2.00 per acre, provided, (1) such crop is not pastured or otherwise taken from the land, (2) if such crop is not incorporated into the soil, it has attained at least 60 days' growth prior to November 1, 1937, and (3) if such crop is incorporated into the soil, it was incorporated prior to November 1, 1937 and after having at least 60 days' growth, and where such land is subject to erosion, it is followed by a winter cover crop.

(v) Mulching.—Application of mulching materials.—$1.00 per ton (air-dry weight), provided, (1) payment will not be made for any application of mulching materials less than three tons nor more than five tons, and (2) all materials produced on such land from interplanted crops are left thereon.

Practices Applicable Only to Cropland Used for Growing Commercial Vegetables.—(w) *Nonleguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936—$1.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

(x) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, and (2) a good vegetative growth of such crop is incorporated into the soil.

(y) *Nonleguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of the entire vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936—$2.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

(z) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of a good and the entire vegetative growth of a legume, or mixture of legumes grown on land used for the production of vegetable crops in 1935 and 1936—$4.00 per acre, provided, (1) such green manure crop has attained at least 60 days' growth, (2) a good vegetative growth of such crop was incorporated into the soil, and (3) at least one less soil-depleting crop is grown on such land in 1937 than the 1935–1936 annual average number of soil-depleting crops grown on such land.

SECTION 14. *Total Amount of Soil-Building Payment if a Person is an Owner, Operator, or Sharecropper with Respect to More Than One Farm in a County.*—If a person is an owner, operator, sharecropper with respect to more than one farm in a county, the total amount of soil-building payments to such person with respect to farms owned or operated in such county by such person shall, subject to the provisions of Sections 6, 7, 8, 11, 15, 17, and 18 of this Part IV, be computed as follows:

(a) For each farm in such county with respect to which such person is an owner, operator, or sharecropper, multiply the number of acres, feet, or quantity, as the case may be, devoted to an approved soil-building practice by the rate specified for such practice and multiply this result by such person's percentage.

(b) Add the amounts obtained under subsection (a) of this Section 14. Provided, however, the total amount of soil-building payments to such person with respect to farms in such county with respect to which such person is an owner, operator, or sharecropper, shall not exceed the amount of such person's soil-building allowance in such county, computed for such farms as set forth in Section 12 of this Part IV.

SECTION 15. *Adjustment in Rates and Allowances.*—All the rates and allowances specified in this Part IV are based upon an estimate of available funds and an estimate of approximately 85 percent participation. If participation in the North Central Region exceeds that estimated for such region, all the rates and allowances specified in this Part IV for such region may be reduced pro rata. If participation in the North Central Region is less than the estimate for such region, all such rates and allowances may be increased pro rata. In no case will any rates or allowances be increased or decreased by more than 10 percent.

SECTION 16. *Applicability to Farms Under Special Programs.*—The Secretary may designate one or more counties in any State for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county is designated the rates, allowances, and conditions of payment for such county will be set forth in a bulletin for such county and the provisions of this bulletin shall not be applicable in such county. On any farm where a program is carried out in cooperation with the Soil-Conservation Service or the Resettlement Administration, payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm by the county committee in accordance with instructions issued by the Secretary.

SECTION 17. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made to any person with respect to any farm or farms may be withheld if any rotation, cropping, or other practices are adopted on any farm with respect to which such person is an owner, operator, or sharecropper, which practices the Secretary determines tend to defeat the purposes of the 1937 Agricultural Conservation Program. If any person who has made an application for payment with respect to any farm or farms in a county has an interest as owner, operator, or sharecropper in a farm in another county on which the acreage used for the production of soil-depleting crops in 1937 materially exceeds the acreage normally used for the production of any or all of such crops on such other farm or farms, the amount of any payment which otherwise would be made to such person may, in the discretion of the Secretary, be appropriately reduced.

SECTION 18. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farm or farms in a county, all of such person's pro rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the Soil Conservation and Domestic Allotment Act. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to any farm or farms in such county by the percentage that the estimated total of administrative expenses of the Association for such county as approved by the North Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farms in such county in 1937. As provided in the Articles of Association, as amended, any person who previously has not become a member of the Association of the county in which his farm or farms are located shall become a member thereof by his signing an application for payment with respect to such farm or farms. There shall be credited for the payment of administrative expenses the sum of $2.00 for each application for payment under which, prior to the deduction of any administrative expenses and as estimated by the Agricultural Adjustment Administration, the total payment will be $20.00 or less or under which there will be no payment.

Part V—Miscellaneous Provisions

SECTION 1. *Farm.*—A farm shall include all land in a county under the same ownership which is farmed by the same operator as all or part of one farming unit. A farm shall not include a tract of land which is less than three acres unless the average annual gross income from such tract of land is $250.00 or more. The following examples are illustrative of the rule to be followed in determining what land shall be considered a farm:

(a) If two or more tracts of land are owned and operated by the same person as part or all of one farming unit, such tracts of land shall be regarded as one farm.

(b) If two or more tracts of land are rented for cash by a person who operates such tracts of land as part or all of one farming unit, such tracts shall be regarded as one farm.

(c) If two or more tracts of land owned by the same person are rented on shares to a person who operates such tracts of land as part or all of one farming unit, such tracts of land shall be regarded as one farm.

(d) If two or more tracts of land owned by different persons are rented on shares to a person who operates such tracts of land in 1937 as part or all of one farming unit, each such separately owned tract shall be regarded as one farm.

(e) If two or more tracts of land owned by the same or different persons are operated in 1937 by the same operator as separate farming units, each such tract shall be regarded as one farm.

(f) If two tracts of land are operated as part or all of one farming unit by an operator who rents one tract from a landlord for cash rent, which tract is ordinarily used for hay, meadow, pasture, or other similar uses, and the other tract is share-rented from the same landlord, both of such tracts shall be regarded as one farm.

(g) If two tracts of land are operated as part or all of one farming unit by an operator who rents one tract for cash from one landlord, which tract is not ordinarily used for hay, meadow, pasture, or other similar uses, and such other tract is share-rented from a different landlord, each of such tracts shall be regarded as one farm.

SECTION 2. *Farm or Farming Unit Located in More Than One County.*—If a farm is located on two or more adjacent counties, such farm shall be regarded as located in the county in which the principal dwelling on such farm is located. If there is no principal dwelling on such farm, it shall be regarded as located in the county in which the largest portion of such farm is located. If a farming unit is located in two or more adjacent counties, such farming unit shall be regarded as located in the county in which the principal dwelling on such farming unit is located. If there is no principal dwelling on such farming unit, it shall be regarded as located in the county in which the largest portion of such farming unit is located.

SECTION 3. *Determination of Ownership.*—An owner is a person who owns a farm which is not rented to another for cash or for a fixed commodity payment or who rents a farm from another for cash or for a fixed commodity payment, or who is purchasing a farm on installments for cash or for a fixed commodity payment. The term "owner" as used herein does not refer exclusively to a person who has legal title to a farm but is intended to describe the person who for 1937 has the right to possession or control of a farm and to a part of all of the rents and profits therefrom. If a person has the right to receive a portion of any crop, or the proceeds thereof, on any farm in the North Central Region in 1937 solely by virtue of a creditor relationship and does not become the owner of such farm, such person shall not be entitled to receive any payment made with respect to such farm pursuant to the 1937 Agricultural Conservation Program in the North Central Region.

SECTION 4. *Determination of When a Person is an Owner, Operator, or Sharecropper with Respect to More than One Farm in a County.*—For the purposes of the 1937 Agricultural Conservation Program in the North Central Region a person shall be regarded as an owner, operator, or sharecropper with respect to more than one farm in a county only where he occupies a similar or comparable status with respect to more than one farm in the same county. The following examples are illustrations of the application of the rule to be observed in determining whether a person owns more than one farm in a county:

(a) If one farm is owned solely by a person and another farm is owned only in part by such person, such farms will be regarded as owned by different persons;

(b) If a person owns and operates one farm and owns another farm which he has rented on shares to another, such farms will be regarded as owned by the same person;

(c) If a person owns a one-third interest in one farm with one party, and such person owns a one-half interest in another farm with another party, such farms will be re-

garded as owned by different persons; if such person owned such two farms with the same party, such farms will be regarded as owned by the same person;

(d) If a person as owner is entitled to receive under his leasing agreement with respect to one farm 40 percent of the crops produced thereon, or the proceeds thereof, and such person is entitled to receive under his leasing agreement with respect to another farm 50 percent of the crops and livestock produced thereon, or the proceeds thereof, such farms will be regarded as owned by the same person;

(e) If one farm is owned by a person in his individual capacity and another farm is owned by the same person in a representative or fiduciary capacity, such farms will be regarded as owned by different persons;

(f) If more than one farm is owned by the same person who acts in a different representative or fiduciary capacity, with respect to each such farm, such farms will be regarded as owned by different persons;

(g) If a person's rights to the profits or rents from more than one farm arise under separate written instruments which severally provide that such profits or rents are to be credited to the accounts of the persons transferring such rights, such farms will be regarded as owned by different persons; for example, where a person's rights to the profits or rents from one farm in a county arises under a grant of possession from one party containing a provision like that hereinbefore described, and such person's rights to the profits or rents from a second farm in such county arise from a similar grant of possession from another party, and such person also has rights to the profits or rents from a third farm in the county not arising from any grant of possession such three farms will be regarded as owned by three different persons.

In determining whether a person is an operator or sharecropper with respect to more than one farm in a county, the rule hereinbefore outlined with respect to ownership of more than one farm in a county shall be applied.

SECTION 5. *Application and Eligibility for Payment.*—Payments will only be made upon application therefor filed with the county committee. Each person applying for payment will be required to show the extent to which the conditions upon which the payment is to be made have been met. The eligibility of a person who is an owner, operator, or sharecropper with respect to one or more farms in a county shall, subject to the provisions of Section 17 of Part IV, be determined by the performance on such farm or farms.

For the purpose of determining the eligibility of an operator for payment where the farming unit operated by him includes a farm or farms located in two or more adjoining counties such farm or farms shall be regarded as located in the county in which the farming unit is deemed to be located.

No payment will be made to any person if the total amount of payment computed for such person is less than fifty cents.

In order for any person to be eligible to make an application for payment with respect to a farm under the 1937 Agricultural Conservation Program in the North Central Region such person must show that he owned or operated such farm on June 30, 1937, and has been such owner or operator for a period of at least 60 consecutive days, which period must include June 30, 1937. In determining the number of days of ownership or operation, a fraction of a day will be considered as a whole day. In the event more than one person has owned or operated a farm on June 30, 1937, and for 60 consecutive days, the person who has owned or operated such farm prior to June 30, 1937, shall be regarded as the owner or operator of such farm.

In the event of death, incompetency, abandonment, or discharge or release from a representative capacity the period of ownership or operation may, upon recommendation of the county committee and upon approval by the Secretary or his duly authorized representative, be computed as follows:

(a) *In the Event of Death.*—If, because of the death of any party owning or operating a farm, the person, whether the deceased, his heir or heirs, or the duly appointed representative, if any, of such decedent's estate, who owns or operates such farm on June 30, 1937, has not owned or operated such farm, for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the deceased person, his heir or heirs, or the duly appointed representative, if any, of his estate.

(b) *In the Event of Incompetency.*—If because of the adjudication of incompetency of any person owning or operating a farm, the person, whether the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any.

(c) *In the Event of Abandonment.*—If, because of abandonment, by any party owning or operating a farm, the person, whether the person who has abandoned the farm, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who has abandoned such farm, his relative or relatives, or his duly appointed representative, if any.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If, because of the discharge or release from a representative or fiduciary capacity of any party owning or operating a farm, the person, whether the representative or fiduciary who has been discharged or released from his representative or fiduciary capacity or the person or persons who succeed such representative as owner or operator, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the representative who has been released or discharged from his representative or fiduciary capacity and the person or persons who succeed such representative or fiduciary as owner or operator of such farm.

No soil-building payment will be made to the person who is regarded as the owner or operator of a farm for any soil-building practices carried out on such farm after he has ceased to own or operate such farm.

For the purpose of this Section 5, the term "operator" shall be deemed to include sharecroppers.

SECTION 6. *Persons Eligible to Execute an Application for Payment and Receive Payment Thereunder upon Happening of Certain Contingencies* on or after July 1, 1937:

(a) *In the Event of Death.*—If an owner or operator of a farm dies on or after July 1, 1937, and before making an application for payment with respect to such farm, the administrator or executor appointed by a court of competent jurisdiction for such decedent's estate shall be eligible to make an application for payment with respect to such farm, in lieu of such decedent. If an administrator or executor is not appointed for such estate, all the heirs of such decedent will be eligible to make application for payment with respect to such farm. If, prior to his death, the decedent has made an application for payment but did not receive the payment thereunder, such payment will be made to the administrator or executor appointed by a court of competent jurisdiction for such estate. If an administrator or executor is not appointed for such estate, such payment will be made to all the heirs of such decedent.

(b) *In the Event of Incompetency.*—If an owner or operator of a farm is adjudged incompetent by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment with respect to such farm, the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate shall

be eligible to make application for payment with respect to such farm in lieu of the incompetent. If the person adjudicated incompetent had, prior to such adjudication, made application for payment but did not receive the payment thereunder, such payment will be made to the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate.

(c) *In the Event of Abandonment.*—If an owner or operator of a farm abandons such farm on or after July 1, 1937, and before making an application for payment with respect to such farm, the person appointed by a court of competent jurisdiction to control and conserve the assets of the abandoned estate shall be eligible to make an application for payment with respect to such farm in lieu of the person who abandons such farm. If, prior to his abandonment, the person who abandons such farm had made an application for payment, but did not receive the payment thereunder, such payment will be made to the person appointed by a court of competent jurisdiction to control and conserve the assets of such abandoned estate.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If an administrator, executor, trustee, guardian, committee, receiver, conservator, or other representative or fiduciary who is the owner or operator of a farm is discharged or released from such representative or fiduciary position by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment, the person or persons who succeed such representative or fiduciary as owner or operator of such farm will be eligible to execute an application for payment with respect to such farm in lieu of the representative or fiduciary who has been discharged or released. If, prior to his discharge or release, the person who has been discharged or released from his representative or fiduciary position had made an application for payment but did not receive the payment thereunder, such payment will be made to the person or persons who succeed such representative as owner or operator of such farm.

For the purpose of this Section 6, the term "operator" shall be deemed to include "sharecroppers."

Part VI—Range Lands

SECTION 1. *Definitions.*—As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in its application to range lands in the North Central Region, the following terms shall have the following meanings:

Range land means any land other than that owned or controlled by the United States Government, or any agency thereof, which produces forage without cultivation or general irrigation, ten acres or more of which are required to sustain one animal unit for a period of twelve months.

Ranching unit means all land used by an operator in 1937 as a single unit for the production of livestock primarily by grazing such livestock on range land, with buildings, corrals, workstock, farm machinery and labor substantially separate from that for any other ranching unit.

Ranch operator means a person who as owner or lessee operates a ranching unit.

Animal unit means the unit of measurement used to denote the grazing capacity of range land. An animal unit as used herein shall be equal to either one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

Range allowance means the largest amount of payment that may be obtained for range conservation practices on any ranching unit.

Range grazing capacity means the number of animal units which range land will normally sustain for a twelve month period without decreasing the stand of grass or other grazing vegetation and without injury to the forage and tree growth on such range land.

Limited grazing means limiting the grazing on an entire ranching unit during the grazing season to such an extent that a specified percentage of the grass on such ranch-unit is permitted to mature seed.

Deferred grazing means withholding from grazing a portion of the range land in a ranching unit during the period between the time growth starts in the spring and the time seed matures in the fall, for the purpose of permitting natural reseeding of native grasses.

County range inspector means a person selected by the county committee and approved by the State Committee to appraise and recommend grazing capacities and practices, and to determine performance on range land.

SECTION 2. *County Range Grazing Capacity Limit.*—There shall be established by the Agricultural Adjustment Administration in each county containing range land the average grazing capacity of such range land in terms of animal units. The average of the individual grazing capacities established for the range land in any county shall not exceed the county average grazing capacity limit for such county.

SECTION 3. *Grazing Capacity.*—There shall be established for any range land for which an application for the establishment of grazing capacity is received, the grazing capacity of such range land. Such grazing capacity for individual range land shall be established by taking into account the following factors: (a) composition, palatability, and density of vegetative growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic features; (e) classes of livestock which have utilized such range land; (f) presence or absence of rodents and poisonous plant infestation; and (g) fences.

SECTION 4. *Range Building Allowance.*—The range building allowance for a ranching unit shall be equal to an amount obtained by multiplying the grazing capacity for such ranching unit by $1.50.

SECTION 5. *Range Building Practices.*—Payments will be made not in excess of the range building allowance, for the carrying out on range land any of the range building practices listed herein, provided, the ranch operator has filed with the county committee a request for an inspection of his ranching unit by a county range inspector; the county committee has given prior approval for the carrying out of any such practices; the county committee has determined that any such practice has been carried out in accordance with the conditions specified; and any such practice has been carried out in accordance with generally accepted standards of good ranch management.

(a) *Reseeding by deferred grazing.*—Natural reseeding by non-grazing on an acreage equal to not more than 25 percent nor less than 10 percent of the total range land in the ranching unit from May 1 to September 30, 1937, inclusive, except that upon recommendation by the State Committee and approval by the Director of the North Central Division a date other than September 30, 1937, may be established—60 percent of the range building allowance for such ranching unit multiplied by the percentage that the non-grazed acreage is of the acreage equivalent to 25 percent of the total range land in such ranching unit, provided, (1) On ranches on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (2) On ranches used exclusively for grazing sheep the area to be kept free of grazing is either fenced or the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (3) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the range, forage, tree growth, or watershed; and (4) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranch previous to the carrying out of such practice.

(b) *Reseeding by limited grazing.*—Natural reseeding of all of the range land on the ranching unit—50 percent of the range building allowance for such ranching unit, provided, the number of animal units grazed on the range land on such ranching unit during the grazing season, May 1 to September 30, 1937, inclusive, is limited to a number of

animal units which will permit at least 25 percent of the grass on the ranching unit to mature seed and aid the natural reseeding of such grasses.

(c) *Contouring.*—Construction of contour furrows on land not sufficiently sandy and porous to absorb normal precipitation—$0.50 per acre, provided, (1) The furrows are constructed on the contour level not less than 8 inches in width and 4 inches in depth; (2) Such furrows are dammed at intervals of not more than 100 feet; and (3) The furrows are not more than 25 feet apart.

(d) *Tree Planting.*—Planting of trees on range land—$10.00 per acre, provided, (1) The trees are planted in 1937 prior to November 1, 1937; (2) The number, kind, and age of trees planted and the methods of planting and growing of such trees are in accordance with good tree culture practice; (3) The acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.

(e) *Cultivating and Maintaining a Stand of Trees.*—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelter-belt plantings planted on cropland or non-cropland between January 1, 1934, and November 1, 1936—$4.00 per acre.

(f) *Reservoirs.*—Construction of reservoirs and dams—$0.15 per cubic yard of fill for such construction, provided, (1) The construction of reservoirs and dams is carried out in connection with the practices outlined in sub-sections (1) and (2) of this Section 5; (2) Spillways are made adequate to prevent the dam from washing out under normal rainfall and reservoirs are located where they have a sufficient watershed to insure the filling of such reservoirs with normal precipitation.

SECTION 6. *Payments Restricted to Effectuation of Purpose.*—All or any part of any range practice payment which otherwise would be made with respect to any ranching unit may be withheld if any grazing or other practices are adopted on the ranching unit, which practices the Secretary determines tend to defeat the purpose of the 1937 range program in the North Central Region.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 12th day of February 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-588; Filed, February 26, 1937; 11:37 a. m.]

NCR—B-101, as Amended
Supplement No. 1

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101, AS AMENDED

Supplement No. 1

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, North Central Region Bulletin 101, as Amended under date of February 15, 1937, is hereby further amended as follows:

PART III—CLASSIFICATION OF FARMLAND

1. Part III, section 3, (a), (1), is amended by deleting therefrom the word "thereafter" in the fourth line of page 22 after the word "cultivated" and before the word "in" and inserting in lieu thereof the phrase, "until August 1, 1937".

PART IV—RATES AND CONDITIONS OF PAYMENT

2. Part IV, section 13 is amended by deleting therefrom subparagraph (g) and inserting in lieu thereof the following:

(g) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$7.50 per acre, *provided*

(1) in the case of forest plantings there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 650 living trees per acre; or if due to uncontrollable natural causes a stand of 650 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected;

(2) in the case of windbreak or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 300 living trees per acre; or if due to uncontrollable natural causes a stand of 300 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

This subsection (g) is not applicable to dryland farms.

3. Part IV, section 13, (k), is amended by inserting on page 60, line 25, after the word "out" and before the word "in", the phrase "until August 1, 1937".

4. Part IV, section 13, (l), is amended by inserting on page 61, line 17, after the word "out", the phrase "until August 1, 1937".

5. Part IV, section 13, (m), is amended by inserting on page 62, line 5, after the word "out" and before the word "in" the phrase "until August 1, 1937".

6. Part IV, section 13 is amended by deleting therefrom subparagraph (o) and inserting in lieu thereof the following:

(o) *Planting and Protection of Trees.*—Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—$10.00 per acre, *provided,*

(1) in the case of forest plantings there is on the date as of which final inspection is made for the purpose of determining performance on the farm, a stand of at least 500 living trees per acre; or if due to uncontrollable natural causes a stand of 500 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected;

(2) in the case of windbreak or shelterbelt plantings, there is on the date as of which final inspection is made for the purpose of determining performance on the farm a stand of at least 200 living trees per acre; or if due to uncontrollable natural causes a stand of 200 living trees per acre is not obtained on the date as of which final inspection is made for the purpose of determining performance on the farm, there is satisfactory evidence that such trees were planted in accordance with good tree culture practice and that such trees have been properly protected.

PART V—MISCELLANEOUS PROVISIONS

7. Part V, section 5, is amended by adding on page 74 after the third paragraph, the following new paragraph:

A person whose lease expires before June 30, 1937, and who has no interest in the farming operations on the farm in 1937 except to harvest a crop or crops which he planted in the fall of 1936 will not be regarded as the operator of such farm. In such cases the person who operates the farm in 1937 other than for the purpose of harvesting a crop therefrom or who operates the remainder of the farming unit of which such farm is a part shall be regarded as the operator of such farm.

PART VI—RANGE LANDS

8. Part VI, section 5, is amended by deleting therefrom subparagraphs (a) and (b) and inserting in lieu thereof the following:

(a) *Reseeding.*—

(a-1) *Reseeding by deferred grazing.*—Natural reseeding by non-grazing on an acreage equal to not more than 25 percent nor less than 10 percent of the total range land in the ranching unit from May 15 to September 30, 1937, inclusive, except that upon recommendation by the State Committee and approval by the Director of the North Central Division a date other than September 30, 1937, may be established;—60 percent of the range building allowance for such ranching unit multiplied by the percentage that the non-grazed acreage is of the acreage equivalent to 25 percent of the total range land in such ranching unit, provided, (1) On ranches on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (2) On ranches used exclusively for grazing

sheep the area to be kept free of grazing is either fenced or the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (3) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the range, forage, tree growth, or watershed; (4) Such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period May 15, 1937 to September 30, 1937, inclusive; and (5) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranch previous to the carrying out of such practice; or

(a–2) *Reseeding by limited grazing.*—Natural reseeding of all of the range land on the ranching unit.—50 percent of the range building allowance for such ranching unit, provided, the number of animal units grazed on the range land on such ranching unit during the grazing season, May 1 to September 30, 1937, inclusive, is limited to a number of animal units which will permit at least 25 percent of the grass on the ranching unit to mature seed and aid the natural reseeding of such grasses.

9. Part VI, section 5, is amended by deleting the lettering of subparagraphs (c), (d), (e), and (f) and inserting in lieu thereof the lettering "(b)", "(c)", "(d)", and "(e)", respectively.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 27th day of February 1937.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37–597; Filed, March 1, 1937; 12:47 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Air Commerce.

DESIGNATION OF THE FEDERAL AIRWAYS SYSTEM AS CIVIL AIRWAYS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by the Air Commerce Act of 1926, as amended (44 Stat. 570, 49 U. S. C., Sec. 175), I hereby designate the following described air route as civil airway necessary to foster air commerce and suitable for interstate or foreign air commerce.

The civil airway designated herein shall include the navigable air space located vertically above an area on the horizontal plane contained within lines encircling each airport (hereinafter called terminal airport) at the ends thereof, with a radius of 25 miles from the center of said airport and also contained within two lines each parallel to and located 25 miles from the center line connecting the terminal airports thereof with such other points as hereinafter specified, to designate the route of said airway. The civil airway designated herein shall also include the terminal and intermediate airports, emergency landing fields and all other air navigation facilities located or which may be hereafter located and established within the said area.

Provided that the civil airway designated herein shall not include any air space reservations set aside and protected by Executive Orders pursuant to the Provisions of Section 4 of the Air Commerce Act of 1926, or the navigable air space above non-territorial waters or above foreign territory abutting the boundaries of the United States.

CIVIL AIRWAY NO. 99—MOBILE-JACKSONVILLE

Mobile, Alabama, Municipal Airport, via Pensacola, Florida, Municipal Airport, Tallahassee, Florida, Dale-Marby Airport, Live Oak, Florida, Live Oak Airport, to Jacksonville, Florida, Municipal Airport.

Approved to take effect March 1, 1937.

[SEAL] DANIEL C. ROPER,
Secretary of Commerce.

[F. R. Doc. 37–614; Filed, March 2, 1937; 10:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

HOLDING COMPANY ACT

RULE 3—APPLICATIONS FOR EXEMPTION UNDER SECTIONS 2 OR 3

Acting pursuant to the authority granted by Section 20 of the Public Utility Holding Company Act of 1935 and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends Rule 3 to read as follows:

RULE 3—APPLICATIONS FOR EXEMPTION UNDER SECTIONS 2 OR 3

(a) Every application for an order of exemption pursuant to Section 2 or Section 3 shall comply with the provisions of Rule 2. Rules 2A3–1, 2A4–1, 2A7–1, 2A8–1 and 3A–1 set forth the specific information that is to be given in the case of applications made under corresponding subsections of the Act. If, however, any such information is not available without unreasonable effort or delay, or is deemed by the applicant to be irrelevant to the question presented, the applicant may omit such information, briefly indicating the reasons for such omission, and submitting instead such other information, if any, as it may deem relevant. Thus in any case where an applicant is of the opinion that the statement of certain facts makes the recital of other specified information unnecessary in view of the appropriate provisions of Section 2 or 3, it may state such facts and explain the reasons for such opinion without giving the further information specified, and in any case involving a question of control an applicant may admit control in whole or in part and, to such extent, omit the information bearing on this question. If any applicant is in doubt as to the interpretation of any requirement of the appropriate rule under Section 2 or 3, it should, in making its application, adopt the interpretation which seems to it most reasonable, and expressly explain the interpretation adopted. All applications shall be subject to the right of the Commission to require any additional information, whether specified by the appropriate rule or not, which it may find necessary or appropriate in the particular case. The applicant may at its option include any additional information not required by the Commission. Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the Rules and Regulations under which application is made.

(b) Any such application may incorporate by reference any information contained in any other such application previously or concurrently filed, whether by the same or by a different applicant. Any one applicant may file a combined application for different orders or file separate applications, but, if separate, each such application should include an express reference to the other. Any two or more applicants may file joint applications where substantially the same questions of fact are involved. Orders may be requested in the alternative, but in such case the applicant's preference should be indicated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–619; Filed, March 2, 1937; 2:49 p. m.]

SECURITIES ACT OF 1933

REGISTRATION STATEMENTS

Rule Adopting Form A–O–1 as Amended and Printed

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, and finding:

(1) that any information or documents specified in Schedule A of the Act which Form A–O–1 for Securities of Issuers Organized within Two Years to Engage in the Exploitation of Mineral Deposits (other than Oil or Gas), and the Instruction Book for such form, do not require to be set forth are inapplicable to the class of securities to which such form is appropriate, and disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as Form A–O–1 and the Instruction Book for such form require to be set forth, but which are not specified in said Schedule A, are necessary and appropriate in the public interest and for the protection of investors; and

(2) that the information which the rules contained in the Instruction Book for Form A–O–1 require to be con-

tained in prospectuses for the class of securities and issuers to which such form is appropriate is necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted to be omitted from prospectuses for such class of securities and issuers are not necessary or appropriate in the public interest or for the protection of investors; and that the form and contents which such rules prescribe for prospectuses of the class specified are appropriate to the nature and circumstances of their use and are consistent with the public interest and the protection of investors;

hereby adopts Form A–O–1 and the Instruction Book for such form, both as printed and attached hereto,[1] to be used for registration under the Securities Act of 1933 of securities of the class, and issued by the class of issuers, specified in the rule for the use of said Form A–O–1.

By order of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–618; Filed, March 2, 1937; 12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

[File No. 43–33]

IN THE MATTER OF ILLINOIS POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Illinois Power & Light Corp., a subsidiary of The North American Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, with respect to the issue and exchange by declarant, pursuant to a Plan of Recapitalization involving the reclassification and change of its present outstanding capital stock, of the following securities:

483,500 shares of 5% Cumulative Convertible Preferred Stock with a par value of $50 per share,

483,500 Dividend Arrears Certificates,

783,500 shares of Common Stock having no par value but with a stated value of $25 per share, and

300,000 Warrants to purchase one share each of such Common Stock.

It is ordered that a hearing on such matter be held on March 19, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–615; Filed, March 2, 1937; 12:48 p. m.]

[1] Form A–O–1 and the Instruction Book were filed with the Division of the Federal Register; copies are available upon application to the Securities and Exchange Commission.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

[File No. 34–4]

IN THE MATTER OF ILLINOIS POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Illinois Power & Light Corp., a subsidiary of The North American Company, a registered holding company, pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935, for a report on its Plan of Recapitalization involving the reclassification and change of its capital stock presently outstanding. The outstanding capital stock of the applicant consists of 600,000 shares of Common Stock having no par value but with a stated value of $50 per share, 443,500 shares of $6 Cumulative Preferred Stock without par value and 40,000 shares of 6% Cumulative Preferred Stock with a par value of $100 per share. The new capitalization proposed by the applicant will consist of 783,500 shares of Common Stock having no par value but with a stated value of $25 per share, 300,000 warrants to purchase one share each of such new Common Stock, 483,500 shares of 5% Cumulative Convertible Preferred Stock with a par value of $50 per share and 483,500 Dividend Arrears Certificates.

It is ordered that a hearing on such matter be held on March 19, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 15, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37–616; Filed, March 2, 1937; 12:48 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of March A. D. 1937.

[File No. 31-60]

IN THE MATTER OF THE APPLICATION OF NORTHERN INDIANA PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Northern Indiana Public Service Company pursuant to Section 3 (a) of the Public Utility Holding Company Act of 1935, for exemption as a holding company from provisions of said Act;

It is ordered that a hearing on such matter be held on March 18, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 13, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-617; Filed, March 2, 1937; 12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of March A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RICHFIELD-MALCOM-DAVIS FARM, FILED ON FEBRUARY 10, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,[1] be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-620; Filed. March 2, 1937; 12:49 p. m.]

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[1] 2 F. R. 397.